

DEFENSE SYSTEMS MANAGEMENT COLLEGE



CONGRESSIONAL INVOLVEMENT AND RELATIONS

A GUIDE FOR
DEPARTMENT OF DEFENSE
ACQUISITION MANAGERS

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Third Edition

Wilbur D. Jones, Jr.

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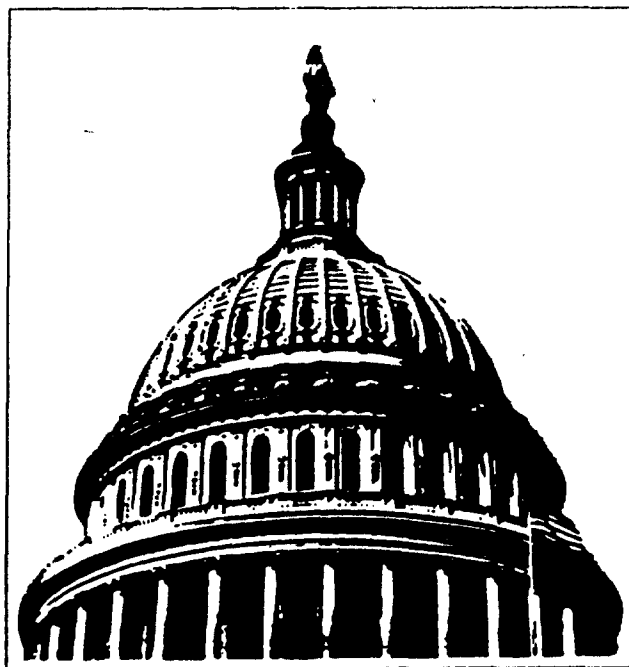
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*To Sylvia Nance
Many thanks for
all your great help
in getting this book
on the street!*

**CONGRESSIONAL INVOLVEMENT
AND RELATIONS**

THIRD EDITION

*Teamwork!
mjs
9-30-92*



**A GUIDE FOR
DEPARTMENT OF DEFENSE
ACQUISITION MANAGERS**

Wilbur D. Jones, Jr.

**Department of Defense Systems Management College
Fort Belvoir, Virginia**

August 1992

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FOREWORD

In January 1990, the Secretary of Defense sent to the President a *White Paper on the Department of Defense and the Congress*, a treatise on the congressional defense oversight process. In citing numerous instances of congressional "intervention" in budgetary and management matters which complicated the management and execution of defense programs, the paper called for consensus on reform goals and improved working relationships between the Department of Defense (DOD) and Congress. The paper subsequently was approved by the President and presented to congressional leadership.

Even the casual student of Congress would be well-advised to read the paper and examine its close connection with the material contained herein. A copy is held in the DSMC library.

To function properly and be successful, the DOD weapon system acquisition manager must recognize four things in doing business with Congress:

He must work hard overcoming probable personal shortcomings in political knowledge, sensitivities and exposure to the Washington environment inherent in most military officers and many senior civilian managers.

He must understand Congress as an institution, its role in governing, its objectives and how it operates.

He must learn the processes through which Congress approves, funds and monitors defense programs.

He must appreciate the relationship between DOD and Congress and work within the framework of that relationship to manage those programs.

When DSMC decided to produce a manual on congressional relations for DOD acquisition managers, the instructions were simply don't concoct a recipe book or photocopy a high school government text. Most of all, provide something of immediate value to the person who is just arriving from years in the field managing contracts, wearing flight gear or pushing troops, who might not have been in Washington since the senior-class trip, and now is running a billion-

dollar weapon program. And, make it easy to read while waiting in an airport. We believe we have done this.

Our subject, congressional relations and the defense acquisition manager, is about as serious as any faced during a military or civilian career in acquisition management. The exhortations - **Lessons Learned** - usually would be last. However, we placed it up front and early, as any good program manager would. Our intent is not to summarize but to open eyes, set the stage and get attention. The chapters begin with more lessons learned, taken from interviewees, and are sprinkled with further admonishments to prepare the acquisition manager (AM) for the challenging days ahead.

The practice of relying on seat-of-the-pants education ("learn for yourself as I did") to indoctrinate the new person in defense acquisition, particularly regarding Congress, can't be used anymore. Though a substitute for the traditional learning curve in the routine of each new job will not likely be found, it is still mandatory our people come up-to-speed faster on things mattering the most. Congress continues to top the list.

Consequently, this Guide should help DOD acquisition managers to achieve a degree of knowledge and understand congressional involvement and relations. While specifically addressing acquisition matters, it applies across-the-board for the entire DOD and is useful to all defense officials.

This Guide describes how Congress is organized and structured to perform its two major responsibilities in working with DOD: the legislative process and the oversight function. It provides history, timetables, explanations and rationale. It attempts to educate without hand-holding, inform without overwhelming. It offers recommendations based on current directives and operating procedures, tradition, experience and a great deal of "street smart intellect." Included as reference material is a partial listing of DOD directives on this subject. Because this Guide is written in the broadest sense, it does not republish contents of those documents. You should refer to this listing and other documents for specific "how-to" guidance.

For ease of reference, the following terminology is used:

AM — Defense acquisition manager. A DOD official at any level of responsibility, including senior management, program executive officers, program managers and functional specialists.

PM — Program or project manager. A DOD official responsible for developing, producing and supporting a weapon system.

Member — Member of Congress, either of the Senate (Senator) or the House of Representatives (Representative).

Congress — The institution, or the Legislative Branch. Also, either Members and congressional staff or both, or Capitol Hill ("the Hill") in general.

He/him/his — The masculine gender pronouns are used rather than continuously referring to him or her, he or she, his or hers.

PREFACE

The first two Editions of this Guide in 1986 and 1989 were well received and widely used at many levels in the Department of Defense (DOD). However, two major events require us to revise this document. They are the end of the Cold War and the ensuing defense "build-down" (in the midst of economic doldrums), and the 1990 Budget Enforcement Act, which radically modified the former Gramm-Rudman-Hollings budget balancing requirements. These events are reflected in a number of chapters but especially in Chapter 8. We also include other general updates which enhance its utility.

Both DOD and Congress are sorting out what to do now that we have won the Cold War and the Communist threat has disappeared. As we seek to do little for much less, what and where are the threats, requirements and priorities? How much must we shrink? As one astute observer of Congress noted, defense is "now competing at a smaller trough with larger hogs." Where these significant reverberations will lead the acquisition business, and how they will affect the long-cultivated relationship between defense and Capitol Hill, is difficult to call. Mindful of these swift transformations, we base this *Third Edition* on the premise that the outcomes of *what* decisions are reached will climax far sooner than any modifications to the processes and environment governing *how* they are reached.

Another factor clouds the picture. The face, or faces, of the 103rd Congress, to be elected in 1992, will likely change dramatically, if one believes prognosticators and a wet finger in the wind. The largest turnover since 1948 is a possibility. Incumbency is imperiled; many Members are resigning; and new personalities and agendas will arrive in Washington. The ultimate impact on the relationship between DOD and Congress, and whether the traditionalists will prevail and perpetuate "business as usual," is only speculative.

WILBUR D. JONES, JR.
Fort Belvoir, Virginia
June 1992

LESSONS LEARNED

Or, thoughts for keeping your program afloat and your head above water.

Philosophically Speaking

Political science is a contradiction in terms.

Never assume that politics will subsume logic.

Newton's law does not apply. There may not be a reaction, but an overreaction. It could be based on misconceptions, wrong perceptions or responses to the media. Be prepared for it.

Politics is give-and-take, the way we solve problems peacefully. The purpose of politics is to win, thus having one's point of view prevail.

Officially, Congress runs by rules, traditions and institutions. Unofficially, it runs on personalities, persuasiveness, political winds, debts, commitments, issue coalescence and personal agendas.

Almost everyone can agree on the problems. Finding agreement on the solutions is extremely difficult — including the distribution of anything considered excess, or largesse.

New programs have been easy to establish. Dismantling old ones requires the wisdom of Solomon and the skill of Merlin.

To reach maximum efficiency in carrying out personal objectives, representing constituent needs and discharging legislative responsibilities, a Member must remain in the Congress. Therefore, it stands to reason that reelection is the prime motivator.

The DOD is in the insurance business. If we buy enough stuff we won't have to use it.

Bad data or no data are data and will be used by Congress to decide the future of your program.

The Machine

On Capitol Hill, perceptions are realities. If the Congress perceives something, it is a fact. You must never lose sight of this axiom.

The bulk of public business does not take place in public, such as hearings or on the Senate and House floor. Understand how things get done and whether, or how, you should play.

Except in national emergencies, "deliberate" and "ponderous" are the cornerstones of congressional machinery.

Leadership in Congress is not the question; followership is more like it. Committee and subcommittee chairmen, Senate and House leadership, whips and other party officials make up nearly one-half of the entire membership. No one is in charge there.

The shortest distance between two points in Washington is the network between the Pentagon and Capitol Hill.

Congress is never in front of any power curve. It doesn't start initiatives, infrequently moves on Administration initiatives, and normally responds only to strong public opinion when it is politically smart.

Congress pushes parochial concerns, not always asking what is best for the country.

Some Members always call for cuts in defense spending...unless such might affect their district. It's often a case of "do it in the other guy's backyard, not mine."

Members don't get reelected by creating pain: raising taxes, cutting spending, etc.

Citizens hold Congress (the institution) responsible for the public interest, and individual Members (notably their Member) responsible for what they do for them.

Congress may be unable to change a defense policy or decision but it wants to be part of the process.

Recognize defense acquisition is a two-way street. Without Congress, there are no programs and no money. Without programs, there is no national defense (or jobs back home). Dependence on each other produces a "win-win" situation. Work toward it.

Congress almost never makes a (pushed-into-the) "corner" solution to a problem.

Congress has the "right" to do "whatever it wants." So, instead of you saying Congress "can't do this," say Congress "ought not to," or "it is not prudent to do so."

Congress plays Humpty-Dumpty with the defense budget but no one puts it back together again.

Regardless of their obvious importance to you, spare parts and gun ammunition have less political appeal than hardware systems. This is one reason why "sustainability" and "force modernization" projects, regardless of how they are spoken, carry lower congressional priorities and shorter attention spans than main battle tanks, attack submarines and stealth aircraft.

Virtually anyone on the Hill can bring something to a halt, but few can say "yes."

Acquisition legislation usually is triggered by something that happens. Members just don't sit back and invent issues.

In normal times, Congress doesn't change the thrust of the DOD budget. It plays on the margins with a little here and there.

Trade-offs, compromise and back scratching form the basic political process in Congress.

Recognize the myriad agendas attempting to be carried out: state, district, party, caucus, defense committee, other committee, personal. Understand motivations.

Doing Your Homework

Handle things promptly, quickly, correctly and ethically.

You must use your legislative liaison office. Its job is to take temperatures and soundings, and help you score.

Don't play games or waffle with information.

Know your committees and how they are organized and operate. No two are exactly alike.

An easy pitfall: Congress hearing different things on the same subject from OSD, the Services and the contractors.

Check out minor events. What seems small might be taken out of context and blown out of proportion. Don't take anything lightly. The situation may be convoluted, but Congress is not shooting in the dark.

Major defense contractors have Washington staffs adequately representing their interests. Be careful in having your contractor doing your congressional liaison. His interests, not yours, must come first, in spite of your relationship. For one thing, it might create the impression you are in bed with the contractor. Avoid this.

Be responsive, candid, truthful. Credibility is one of your biggest assets on Capitol Hill.

Know how to sniff the winds of change. An example in wind shift: "black programs." If you have one, consider putting it in shape, and prepare to bring it into the daylight with increased access. Congress has been leaning this way. Some view it as a means of hiding money.

Be careful of what is written, especially if you write it. Things have a way of getting to Capitol Hill without that intention. Conclude what you are doing is probably already, or about to be, known there. The network is fantastic.

Understand, and take advantage of, working relationships already established by many career personnel with Congress.

Military eyes cannot look for blacks and whites, rights and wrongs, all or nothing, as may be customary. Congress doesn't work that way.

If you think you can take care of business by yourself, you could be in deep trouble at the outset. Seek help from those who have been there. Because it's new to you doesn't mean it's just been discovered.

Keep current on test results. Somehow, sometimes, the media and Hill get there first, necessitating an embarrassing response.

Know where you stand in-house. Your program may not be the high priority you think it is.

You must establish your bonafides to be successful with Congress — but, that still requires time and sterling judgment on their part.

Changes in schedule and number of buys, stretchout, etc., hurt credibility.

Use common sense. While a subcommittee is looking into your program, refrain from terminating for cause a contractor in the chairman's district.

Always be fully prepared. Do your homework vigorously, including having answers to all questions which might be raised.

Providing Information

The worst possible thing is for Congress to be surprised.

Don't talk above or below your level of expertise or concern. Stick to the subject.

Present a united front. Savvy Hill staffers can detect weak links and why.

If your principal job is maintaining your program year-to-year, you lack credibility on the Hill.

Keep the antenna tuned toward a "hidden agenda" when requests for information come in.

Don't be overzealous in selling a weapon system once you've decided what you want.

Be careful about promising or making commitments if there is a possibility you can't deliver. Sell it realistically based upon known history.

Before answering a congressional inquiry, check the facts and what has already been published or said to the Congress on that subject. Inaccuracy or inconsistency from your command's position is dynamite waiting for the match. It is reason enough to cause a mark on your program.

Numbers change as quickly as stock market averages. Make sure you have the latest, and always work through your comptroller shop on dollar amounts.

Usually, hearings and reviews are not fact-finding missions. The committee and staff know in advance what is to be said and accomplished. In fact, you run a risk if you blindside them.

Respond equally as fast and efficiently to all Members regardless of party or ideology. Even minority Members wield influence on issues through committee work, networking and reciprocal agreements.

Don't go to Congress and spill your soul. Show restraint, but do not hedge. It is easier to add information than subtract.

Backfill the legislative liaison office and your boss after you have contact. You may not be obligated to heed their advice, but it's good practice to keep them informed. In a backfire, they can provide your case with "Exhibit A" one way or another.

If you raise an issue, be prepared to pursue it at some length. Information volunteered is information explained.

Don't be afraid to respond. If you don't know, don't guess. Say: "I'll find out and get back to you."

When urgent phone calls come from staff, understand why the information is wanted immediately.

About Members

Although most Members are well prepared for you, don't expect them to be experts in your affairs unless you make them so.

Don't be led to believe the staffs run Congress, in spite of what you see as their roles and influence. The Members do.

Use language Members can understand. Use examples. Don't talk in terms you would put in your papers to a colleague down the hall. Avoid being too technical or detailed unless specifically asked.

Don't be lulled or misled by philosophical generalities. Don't stereotype Members or staffers, or hold grudges. The one who fights you today may be your best friend on tomorrow's issue. Know where each person stands on each issue.

Sometimes Members feel compelled to remind officials of the Executive Branch just who is elected and who is not. Neither be offended nor intimidated. Listen and take it as part of the job, realizing some is wing-flapping for the record and the folks back home.

On the other hand, think very carefully before providing Congress the institution or any Member with a lesson in your political acumen.

Don't remind a Member how many people your contractors employ in his district, or the impacts on him because of a lost contract or budget cut.

Members don't get wrapped around programmatic. Staffs are there to fill them in. However, when one does, he flags a genuine concern.

Be polite, but be careful with small talk. The Washington Redskins' season is okay. Raising recent congressional scandals or Congress' low public esteem shows your naivete.

The RDT&E (research, development, test and evaluation) and procurement appropriations have constituencies. (They make things.) The O&M (operations and maintenance) does not.

Recognize there are a number probably voting against defense most of the time, and a number voting for. Some need convincing each time.

Recognize the power in serving in Congress and the egos to match. Members often take themselves more seriously than they do national issues.

About Staffs

Staffers perceive a program and its PM as having the same character. A poor program reflects on its manager, and vice versa.

Staffers usually support national defense, but not necessarily the DOD way of preserving it.

Staffers are often stovepiped experts in a particular field and will bore in on their interests. Staffs jockey within their offices for information and standing and internal jealousies exist as anywhere. However, do not think they operate in a vacuum. They talk with each other and compare notes.

Be careful about playing staffers off against each other. Not all are experts in your areas, but usually they know how to ask the right questions, discern answers, draw conclusions and make recommendations.

Committee staff often act as brokers between Members. If you are not getting cooperation from the majority-side staffer, try the minority side.

If a staffer perceives you are honest and straightforward, he will work with you in spite of adversity.

The mission of appropriations committee professional staff members is to cut the budget.

Staffers have to make a living, too. They need you and want to keep their pipelines open and sources accessible.

Committee staffers are key to the long-term memory of Congress and are known to remember promises made to the Hill.

If That's Not Enough

Let a sleeping dog lie if all is going well on your program.

There is sensitivity on the Hill about being shown up. Win gracefully. Don't make a Member or staffer look uninformed.

The ideal situation for you is: nobody knows you're there, and you get what you ask for. Try to stay low, work the system properly, and keep the right people informed.

If you choose confrontation, be absolutely sure you (1) are dead right, (2) have 100 percent support up the line, and (3) are prepared for any consequence. Congress will outlast those of us who come and go in DOD.

The President's budget is always "dead on arrival" on Capitol Hill. Rather, it is a guideline to the President's thinking.

Therefore, defend the President's budget, even if you disagree or feel inadequate, and even if you know a decision was just made adversely effecting your program. A possible way to handle it: "The decision on my program is not blessed yet. When it gets signed off, I will return to brief you."

GLOSSARY

For acquisition acronyms and terminology, refer to the publication *Glossary: Defense Acquisition Acronyms and Terms*, published by the Defense Systems Management College, July 1991. The following are a few acronyms and terms frequently used in this Guide.

Act - A bill or measure after it passes one or both houses of the Congress. Also denotes a law in place.

Adjournment - Ends a legislative day. Unlike a recess, which ends a calendar day but which does not end a legislative day.

AM - DOD acquisition manager: program executive officer, program/project manager, other senior official.

ASC - Armed Services Committee, either House or Senate.

ASD (LA) - Assistant Secretary of Defense (Legislative Affairs).

Appropriating Committee - The House Appropriations Committee (HAC) or Senate Appropriations Committee (SAC).

Appropriation Bill - Grants the actual funding approved by authorization bills. Originates in the House.

Appropriation - A provision by Congress of funds for a specific purpose.

Authorization Bill - Authorizes start or continuation of a program(s), specifies its general aim and conduct and, unless "open-ended," puts a ceiling on funding. Usually enacted before an appropriation bill is passed.

Authorizing Committee - A committee with legislative and oversight jurisdiction over agency program(s); the House Armed Services Committee (HASC) and Senate Armed Services Committee (SASC) for most DOD matters.

Authorization - An action by Congress establishing a program and general amounts of money to fund it. (An appropriation then provides funding.)

Bill - Nearly all legislative proposals being considered by Congress. (Most of the rest are resolutions.) Designated HR (House of Representatives) Bill or S (Senate) Bill according to where they originate, and by a number assigned in the order introduced.

Budget - In DOD, the output of the planning, programming and budgeting system, which becomes part of the President's budget. Until 1987 (for FY 1989), it was annual; now it is biennial.

Budget Committee - House (HBC) or Senate (SBC) determining appropriation limits for fiscal year under consideration.

CBO - Congressional Budget Office.

Chamber - Either the Senate or the House of Representatives.

CRS - Congressional Research Service (of the Library of Congress).

Conference - A meeting of representatives of the Senate and House, called conferees, to reconcile differences about provisions of a bill.

Continuing (appropriations) Resolution - When a fiscal year begins and Congress has not passed all regular appropriations bills, a joint continuing resolution is passed giving agencies authority to spend at same rates as previous fiscal year, or some other specified rate. Also, continuing resolution authority (CRA).

Defense Agency - Defense Logistics Agency (DLA), Defense Nuclear Agency (DNA), etc.

Defense Committees - The HASC and SASC, and the Defense Appropriations Subcommittees of the HAC and SAC.

DOD - Department of Defense.

Executive Session - A meeting closed to the public.

FY - Fiscal year (October 1 to September 30).

GAO - General Accounting Office.

Germane - Pertinent, bearing on the subject.

HAC - House Appropriations Committee.

HASC - House Armed Services Committee.

HBC - House Budget Committee.

LA/LLO - A Legislative Affairs/Liaison Office in OSD or the Services/Defense Agencies, which processes congressional inquiries and related matters on acquisition policy, administration and programmatic.

Majority/Minority - The political party in/not in power in either chamber.

Markup - Subcommittee or committee action on a bill by proceeding through the bill line-by-line agreeing, deleting or making changes.

Measure - A bill or other proposed legislative act under consideration.

OSD - Office of the Secretary of Defense.

OTA - Office of Technology Assessment.

President's Budget - The President's annual proposal to Congress anticipating revenue and expenditures by the federal government for the coming FY.

PSM - Professional staff member of a congressional committee.

Oversight - "Continuous watchfulness" by Congress of DOD matters.

Ranking Member - Senior minority Member of a committee, or senior majority Member not serving as chairman.

SAC - Senate Appropriations Committee.

SASC - Senate Armed Services Committee.

SBC - Senate Budget Committee.

S/DA - Service/Defense Agency.

Service - Military department.

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I

ANATOMY OF CONGRESS

1

THE PERSPECTIVE OF CONGRESS

It is a fact of life. Members vote on programs in terms of their constituent interests.

—Counsel to an Armed Services Committee

Authority of Congress

In creating our national government, the founding fathers at the American Constitutional Convention of 1787 separated power and responsibility among three branches:

The legislative, represented by elected Members of Congress.

The judicial, represented by an appointed Supreme Court and the federal judiciary system.

The executive, represented by an elected President and Vice President, and the agencies reporting to the President.

The Constitution says little about national defense. It establishes the President as commander-in-chief, and gives the Congress power "to provide for the common defense...to raise and support armies...to provide and maintain a Navy...to make rules for the Government and regulations of the land and naval forces...to declare war...and to make all laws which shall be necessary and proper for carrying out the foregoing powers."

The form of government created was a republic. Throughout the years, the term democracy has become more commonly associated with the United States government and through accepted usage means virtually the same.

From their experience with the British crown, the founding fathers were most afraid of a strong executive. In fact, they wrote a weak executive into the Constitution, and provided Congress and the courts with checks and balances against the executive. Historically, however, presidents have become much stronger. In actuality, our system of government is characterized as chaotic, adversarial, an invitation to struggle, and without continuance of policy. (Some would say if James Madison walked the halls of Congress today, he would be proud.)

Evolution and Expansion of Authority

Through evolution, Congress has expanded its interests and activity into many national areas of concern. The execution of national defense, a responsibility of the executive branch, is a prime example. From its constitutional powers, Congress grants approval and money for defense programs ranging from manpower levels, to numbers of army divisions and navy carrier battle groups and which weapon systems are produced. This power has been a natural extension — rather than an intrusion — of congressional authority concerning fiscal and programmatic accountability of the Executive Branch.

That Congress has license for involvement in any or all defense matters has been shown clearly in recent years. The license is called oversight. Oversight is a year-round review, reporting and funding control umbrella through which congressional committees monitor federal agency activities and assert increasing influence and management of defense issues. This is in addition to the authorization and appropriation power Congress exercises annually. The foundation of this control umbrella is information. Information in Washington is power, and Congress employs a multitude of mechanisms to gather, process and use it.

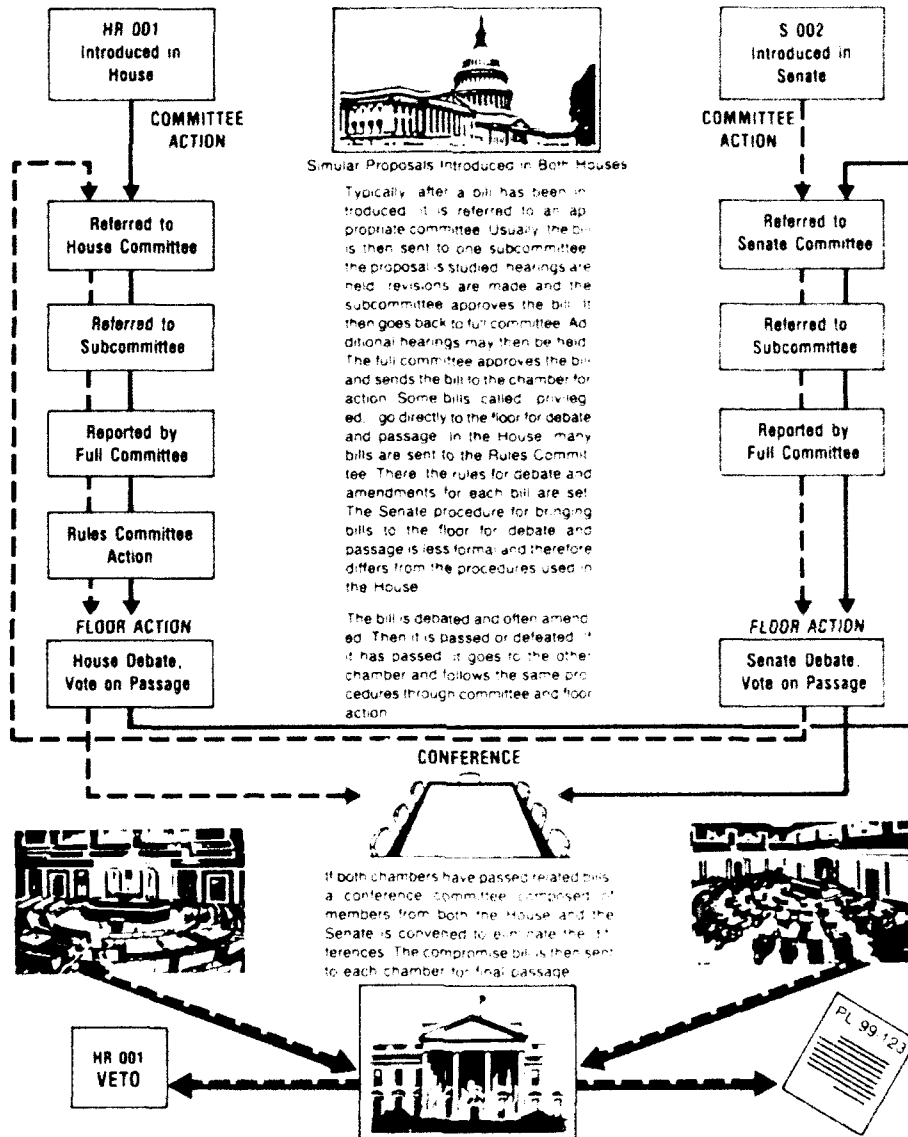
Congressional assertion of authority in national defense has been cyclical throughout the years, primarily depending upon the counter role exerted by the executive branch. Most recently it emanates from

the early 1970s, following a period of a strong, activist executive role and exacerbated by weaknesses in the executive branch during the Watergate era and the attendant jurisdictional problems of the Vietnam War.

In its assumed role, because of real and perceived abuses in weapons acquisition, Congress has felt the need to direct DOD to change course or accelerate its efforts to tighten and improve internal procedures. Thus, in recent years significant laws have been enacted resulting in new regulations and organizations to manage defense acquisition.

This expanded authority of Congress has had cascading effects throughout the acquisition community. Oversight begets oversight at all levels; no management level wants to be surprised by lacking knowledge of activity. Consequently, the DOD acquisition manager (AM) is under increased scrutiny, must maintain scrupulous records, is subject to unsolicited second-guessing, must make frequent schedule and funding adjustments, and must continuously advocate his program. Whether this increased congressional involvement accomplishes its purposes efficiently, timely and in a businesslike manner is open to conjecture. Nevertheless, it is a fact of life.

HOW A BILL BECOMES LAW



This version of the bill is then sent to the President to be signed into law or vetoed. If the Congress overrides the veto with a two-thirds majority in each house, the bill becomes law without the President's signature.

2

ORGANIZATION OF CONGRESS

It is hard to hold anyone in Congress accountable. What Congress provides for the average citizen is a point of access to the Federal Government. The citizen doesn't feel alienated or disenfranchised.

--Senior Staffer,
Senate Armed Services Committee

The Structure

The Constitution organized Congress into two houses (chambers): the Senate, or upper house, and the House of Representatives, the lower house. The Congress consists of 540 Members: 100 Senators, elected for 6-year terms; 435 Representatives, elected for 2-year terms; and five Delegates, non-voting Members of the House, elected for 2-year terms (American Samoa, District of Columbia, Guam, Puerto Rico and U. S. Virgin Islands.)

What are the qualifications for being a Member of Congress? Few. The Constitution requires: age — 25 to hold office in the House, 30 in the Senate; citizenship — at least 7 years in the House, 9 in the Senate; residency — must be a resident of state from which elected. No skills, no expertise are required. Voter satisfaction is the test of ability.

Approximately 23,000 employees provide staff support to the Members, some 18,000 to Members and committees and the remainder to the congressional support agencies. The Congress is housed in 16 buildings on Capitol Hill. The elected leadership is paid a slightly higher salary. All Members receive numerous allowances to hire staff, for travel, mailings, etc.

"Two Congresses"

Essentially, Congress is "two Congresses." A Member serves two constituencies: his home state or district (a representative) and his colleagues in Congress (a lawmaker). The pressures in balancing service to both simultaneously are tremendous. The first constituency elects him, and his obligations are local — a "local face." Therefore, he must see to constituents' needs and, by and large, vote the way they prefer to remain in the Congress. Voting their way may not coincide with the Member's views forcing him to make a tough decision. The second constituency relates to his legislative responsibility, his obligations nationwide — a "national face." Therefore, the way he performs on the floor and in committees, on political party affairs, and attendant chores impacts how well he survives and advances in Washington.

Characterizing Congress

Congress is not the efficient, streamlined, disciplined body some might wish. From all evidence, in the minds of the founding fathers it was not intended to be. Overlap of jurisdiction in Congress is commonplace by original design to protect against tyranny. Power within Congress is deliberately divided and fragmented to keep majorities from rolling over minorities.

Overarching organization and operating procedures is the omnipresent politics, which in the long run drives nearly all decisions and actions. Politics exists in several forms: with the opposition political party, with the Administration governing the Executive Branch, within one's own party or committee, and with the public and media regarding the national mood.

The AM must recognize the politics of each situation and adjust to them. He is neither immune to politics nor above it, and in many instances is unable to influence it, whether he wishes to or not.

Institutional Ways of Doing Business

The procedural rules encourage deliberation, negotiation, consensus, collegial decision making, compromise, dissent, openness, participation, accessibility and pragmatism.

Common courtesy and reciprocity ("comity" in congressional lexicon) are two generally accepted rules that serve to cross party, sectional and ideological lines. The process moves forward slowly, underscored by bargaining and accommodation. These are not qualities that encourage quick decisions or tidy organizational patterns.

Congress is neither hierarchial nor a bureaucracy. It is completely decentralized, with power and influence claimed to some degree by its 540 Members and approximately 300 committees, which makes coordinating difficult. No one is "in charge." Even the Senate and House political leaders have limited leverage with which to develop united positions. Except in emergencies, total agreement is nearly impossible. For Congress to arrive at ill-advised agreements, given the deliberative legislative and debate processes, is unusual. Usually, time is on Congress' side as all aspects of an issue are aired, fostering restraint rather than a need to rush to judgment.

Members may act alone, with their committees or unanimously as a body. Natural internal divisions, including institutional, partisan, regional, sectional and, of course, political, are pressures which splinter and coalesce. Members have become more individually activist in recent years. To the outside observer, it may appear there are 540 Secretaries of Defense and State, each staking out a position, each seeking to have a voice in, or even directing, national security or foreign policy. To forge alliances or positions or otherwise accomplish their goals, party or issue leaders must bargain, persuade and compromise. Then, too, coalitions and interests often shift and are short-lived, and each new issue is a challenge in coalition building. Summarily speaking, unwritten "proper" behavior gives Congress a sense of order and discipline and the ability to get things done.

Doing business with Members individually or with committees can be frustrating, tiring, repetitive and time-consuming. This must be endured for, as decentralized as Congress is, there may be no alternative way. Appreciate, too, that Congress must work within its own system.

Fundamental Differences

The observer must realize certain fundamental differences between the two chambers. The Senate is a collegial body and is less concerned with rules and procedures (for example, there is no rule of

germaneness — a bill can be amended at any time). The Senate is freer, looser than the House. The House is strict, structured and accedes to precedence. Members are taught to exist by the rules. The House limits debate; the Senate allows the delaying filibuster.

Congressional Support Agencies

Included in the legislative branch are four support agencies offering assistance to congressional offices by conducting research, studies and analyses. They are the General Accounting Office (GAO), the Congressional Research Service (CRS) of the Library of Congress, the Office of Technology Assessment (OTA) and the Congressional Budget Office (CBO).

Because their records remain on file within the agencies (whereas some congressional offices dispose of their records after a Member's defeat), and their professional staffs tend to have less turnover, these agencies are called the corporate memory of Capitol Hill.

Analyses are done at the request of a committee chairman, ranking minority Member, or in some cases for individual Members. Final reports usually are made available to all Members, but are sometimes denied. All can receive CRS Issue Briefs. Members use reports to reinforce and advocate previous positions, to document in detail what they have found in part, as background for legislation, and as justification for public accusations. As can be expected, findings and conclusions dealing with the executive branch are not always agreed to by the administration, but the opportunity to review the draft and comment is usually provided.

The AMs can expect communications from these agencies, especially short questions from CRS. If formal inquiries involve GAO on another agency, the AM should consult OSD and Service directives.

Recognize the special role of Congress. Congress as an institution was designed to operate in an adversarial relationship with the Executive Branch, through a system of checks and balances and separation of powers. The two branches share many common concerns, goals and objectives, including peace and a strong national defense. Yet,

each branch has the natural desire for its will to prevail on how best to achieve those ends. This creates a process where, in all likelihood, neither side will get everything it wants. Therefore, each seeks satisfaction in reaching partial victory through negotiation and compromise, bearing in mind the "good of the country," which often is interpreted as the "good of the constituents." Thus, ideally a "win-win" situation is achieved when each side gets something it wanted.

3

THE CHANGING NATURE OF CONGRESS

There is one law in political science: the law of unintended consequence. You will have predicted 30 percent of the consequences, not predicted 70 percent. But, the 70 percent will cause more to happen than you ever figured on.

—Prominent Political Scientist

As an institution, Congress is dynamic. By reorganization and “reform,” reacting to the times, Congress changes its nature of operations. However, change comes slowly. Congress reflects the national mood and world events and rarely is ahead of them. Not only do congressional rules, procedures and structures change, there exists a constant interplay between these formal, highly visible aspects of organization and the less obvious ongoing interactions of the Members.

Significant Recent Changes

Congress of the 1990s is markedly different from previous decades. Sweeping modifications have influenced distribution and use of power and the legislative process. They have affected responsiveness to national problems and their involvement in policy-making. The most significant ones are:

Decline of the Seniority System. This is more prevalent in the House. For many years, Members rose to committee chairmanships through

length of service in the House and on a particular committee. In the 1970s, because of a sudden rare influx of new, younger Members, rules were changed to allow the majority party to choose in caucus its own chairmen without regard to seniority alone. Majority Members in each committee recommend their choice to the caucus, which normally ratifies that choice. Although most committees continue to choose the senior Member anyway, it has not always been the case. In 1985, the House Armed Services Committee (HASC) dropped senior Member and Chairman Melvin Price and elected a much junior Member, Les Aspin. His reelection in 1987 over several opponents reaffirmed this change in process. Also, new Members assert themselves and pursue leadership roles quicker and more vocally than in the past.

(NOTE: Effects in the Senate are less rigid and minimal; the senior Member of the majority party usually is the committee chairman, and the senior member of the minority the ranking member.)

Subcommittee Government. If, by custom and practice, the real work of Congress is done in committees, then real work of the committees is done by numerous subcommittees. Today, there are 16 standing (permanent) committees in the Senate and 22 in the House. As standing committees have been trimmed during the past two decades in an effort to streamline congressional business, subcommittees have proliferated. House committees have nearly 150 subcommittees and several panels which in effect are subcommittees without the title. There are always a few select (temporary) committees. The Senate standing committees have about 100 subcommittees plus four subcommittees belonging to the five select or special committees. Additionally, there are four joint committees (between the two chambers) with their six subcommittees. With each unit having a chairman (some Members can chair more than one committee or subcommittee), more than half (300 or more) of the Members mathematically can be chairmen.

Declining Influence of Leadership and Parties. Gone are the days of the Sam Rayburns ("seniority will grow on you" — S. R.) and the Lyndon Johnsons with their legendary ways of conducting congressional business. Also gone are the frequent marriages of Republicans and Southern Democrats to pass sensitive defense legislation. These are the days of situational coalition building and appeals, rationale and

reasoning, both within each political party and between the two. Power has been diffused and dispersed. Congressional leadership finds it more difficult to discipline colleagues for "straying from the ranch" on issues. As the Republican and Democratic parties have lost influence in recent years, so, too, have party leaders in and out of Congress. Members are prone to go their own ways. Congress has limited authority to control and discipline its members.

Increased Number of Ancillary Groups. As leadership and party influence have waned, the influence of caucuses, regional and other special interest groups within Congress has increased. Caucuses have been established around racial lines (Congressional Black Caucus), issue lines (Pro-Life Caucus) and economic lines (Senate Footwear Caucus) often without regard to party, state or political ideology. Also, the legislative support agencies, the CBO and GAO in particular, have increased their activities and influence.

Increased Size and Influence of Staffs. The growing number of issues facing Congress and their complexity and the demands on a Member's time in Washington and back home, have made it increasingly more difficult for them to track all important matters. Personal staffs in the Members' offices and the professional committee staffs have been hired in increasing numbers to provide support assistance. Since 1970, congressional staffers have gone from 10,000 to nearly 20,000. Through expertise or personal relationships with the Members, the staffers actively participate in affairs of Congress and frequently interface with executive branch officials on behalf of their bosses.

The "Reform Eras." The foregoing changes, which characterize the "reform era" of roughly 1965-through the early 1980s, have stabilized or played out. (In fact, the numbers of staff, due to budget cuts, slightly declined.) Nevertheless, the reform impact on the congressional environment will be felt indefinitely. Some veteran observers say reform has "over-reformed," nearly infringes on minority party rights, and slowed things even more. The negative attention drawn to congressional perquisites in the early 1990s (e.g., House bank overdrafts and post office problems) has caused Congress to consider overhauling some of its organization and procedures, and we await a new period of reform. Although some new reforms are intended to undo the 1970s reforms, any changes to the business relationship between DOD and Congress are remain to be seen.

The End of the Cold War and Defeat of Soviet Communism. These momentous events are playing significantly on the way Congress adjusts to meet new or additional national priorities, primarily predicated on earmarking of more money for domestic programs. The full impact lies ahead, but the immediate effect most certainly is less funding for bases, weapon systems and military personnel. Members are struggling between radical defense cuts — which ultimately means less jobs — and a desire to shift emphasis.

Get to know Congress, especially key events and layers in the defense budget and oversight processes. The AM is well advised to learn all he can about congressional timetables, procedures, methods and key events affecting his budget and the monitoring of his programs...to know which committees and subcommittees are interested in his program and why, what the record says of their previous positions, votes and statements...to know which Members have contractor facilities in their states or districts with contracts on his program, or are known to want his business. While knowing all he can about the staff with whom he interfaces, the organization of committees and how decisions are made is highly desirable, the AM should not extend himself beyond the defense legislative system and become an expert in all congressional affairs.

4

CONGRESSIONAL DECISION MAKING

*Congress getting something done is like watching oatmeal harden.
You can't watch it happen. It just does.*

—Member, House Armed Services Committee

The congressional decision-making process is decentralized and fragmented. Responsibility, hence decision making, is executed through three functions:

—The congressional budget process, which includes the budget resolution, the budget itself, and the authorization and appropriation of funds.

—The oversight of government operations.

—The impact on formulation of national policy.

Defense Committees

The congressional budget process, which provides funds for national defense, and the function to oversee defense, is executed primarily by the four “defense committees”:

House. The Committee on Appropriations, commonly called the House Appropriations Committee (HAC), the appropriating committee; and the Committee on Armed Services, commonly called the House Armed Services Committee (HASC), the authorizing committee.

Senate. The Committee on Appropriations, commonly called the Senate Appropriations Committee (SAC), the appropriating committee; and the Committee on Armed Services, commonly called the Senate Armed Services Committee (SASC), the authorizing committee.

The recent assertiveness of strong "subcommittee government" has shifted most of the responsibility for detailed deliberations from full committees to their subcommittees, further decentralizing decision making. Full committees view subcommittee actions with authority, and alter them only if there are serious divisions or if they are considered not representative of the full committee's feelings.

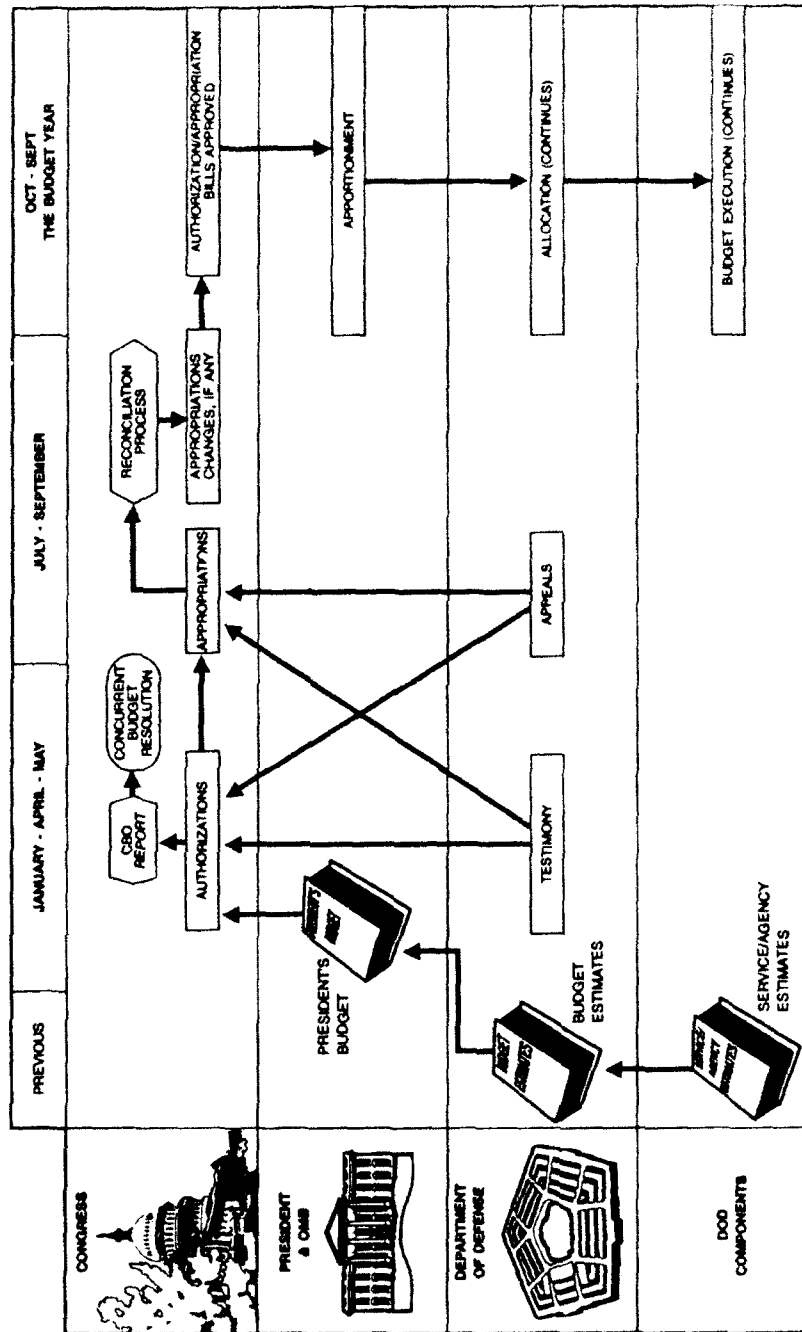
Organization and Nature of Appropriations and Armed Services Committees

The Appropriations Committees fund all federal agencies, not just DOD. The Armed Services Committees (ASCs) handle only defense matters. The separate committees are for the convenience of Congress, as the Constitution stipulates only a funding (appropriations) requirement. (Because they were established much earlier, the Appropriations Committees think of themselves as "senior." The Constitution requires "money bills" to originate in the House. Thus, the HAC, through its Defense Subcommittee, plays the leading role in debating and passing the defense budget.

In the HASC, a program with both research and development (R&D) and procurement accounts could be subject to review by more than one subcommittee. The ASC charters in actuality call for them to establish policy but increasingly during the years they have looked at budgetary and appropriations matters — an inherent overlap. Generally speaking, the ASCs "run the Pentagon" except on matters before the Corps of Engineers, veterans benefits, and nuclear energy matters, which are the jurisdiction of other committees. The SASC is organized into mission-oriented subcommittees, the HASC more into functional-area subcommittees.

Traditionally, the SASC has been more partisan than the HASC, particularly regarding staff, but individual Members are congenial and collegial. The HASC split is less along party lines (but becoming

DOD INVOLVEMENT IN CONGRESSIONAL BUDGET PROCESS



more so, reflecting that of other committees) and is more issue-oriented, including staff. The Democrats have controlled the House, and HASC, 57 of the past 61 years.

Traditionally, the SASC has had a "lead client" relationship (some might infer a "comfortable" one) with DOD. During the past 15 years HASC membership changed. Formerly, HASC was composed primarily of conservatives or Members from districts heavy with military establishments or defense industries, who would be prone to support DOD requests. The appointment of more liberals, women and African-Americans has moderated and challenged the status quo. The "coziness" between the Pentagon and Capitol Hill has all but disappeared and a more adversarial relationship has spawned. Some traditional friends of DOD still may be portrayed as "pro-defense," but not quite so "pro-DOD." For example, the annual defense authorization bill takes longer to work its way to the floor and, once there, is subject to more amendments from Members whose proposals lost in committee.

For the 102nd Congress (1991-92), the Appropriations and Armed Services Committees consist of:

HAC - 57 Members; approximately 45 professional staff
SAC - 29 Members; approximately 40 professional staff
HASC - 54 Members; approximately 65 professional staff
SASC - 20 Members; approximately 40 professional staff

Subcommittees of the Appropriations Committees

HAC

Subcommittees dealing with Defense

Defense (13 Members, 13 staff)

Military Construction (12 Members, 2 staff)

SAC

Subcommittees dealing with Defense

Defense (18 Members, 10 staff)

Military Construction (7 Members, 3 staff)

**Subcommittees of the
Armed Services Committees**

HASC Subcommittees (7)

Military Personnel and Compensation
Research and Development
Seapower and Strategic and Critical Materials
Procurement and Military Nuclear Systems
Investigations
Readiness
Military Installations and Facilities
and 8 Panels, including
Defense Policy
Acquisition Policy

SASC Subcommittees (6)

Conventional Forces and Alliance Defense
Defense Industry and Technology
Manpower and Personnel
Projection Forces and Regional Defense
Readiness, Sustainability and Support
Strategic Forces and Nuclear Deterrence

Whereas the authorization and appropriation process occurs annually in stages, the process through which government operations are reviewed — called oversight — is continual.* In addition to authorizing and appropriating, the four defense committees handle most oversight of defense-related business in Congress. They are not alone.

Some 23 standing committees — 9 Senate, 10 House and four Joint — can be involved in DOD matters. For example, several, including the Senate Governmental Affairs Committee, the House Government

*In 1987, the Congress began a 2-year defense budget "trial period," first applied to DOD's fiscal year 1988-89 budget request. The "trial" has been extended to include the FY 1994 budget.

Operations Committee, the Senate Energy and Natural Resources Committee and the House Energy and Commerce Committee, are occasionally very active in nuclear weapons production or other defense business. And, of course, two select committees — the House Select Committee on Intelligence (19 Members, 15 staff), and the Senate Select Committee on Intelligence (15 Members, 25 staff) — are deeply involved in defense matters. Consequently, any number of Members or committees and subcommittees may take an interest in, and exert influence over, defense programs, forcing an AM potentially to face multiple congressional audiences.

Pressures on Decision Makers

In making decisions, Members are subject to influence by numerous pressures, including constituents, the executive branch, the media, industry and union lobbyists, special interest groups, campaign supporters, and their own colleagues. These pressures contribute mightily to the congressional environment. They impact formal rules and procedures and are omnipresent in the development, deliberation and passage of legislation. This is the democratic system at work.

Don't expect businesslike practices. The AMs must understand the legislative process is not neat and precise, nor is it necessarily businesslike. Predictable, quick and rational responses such as might be expected in military situations are normally not the product of congressional activity. Congressional traditions, courtesies, idiosyncrasies and protocol must not be taken lightly, nor should the fact that politics — pure and simple politics — is the engine which drives the legislative branch of government. The AM who comprehends this and accordingly copes is more likely to keep his program alive and well than one who doesn't.

Detailed Oversight vis-a-vis Reasonable Direction

An increasingly important and highly debated issue—yet unsolved—affecting the decision-making process is how to balance the oversight responsibilities of the Congress with the need for reasonable discretion in program administration sought by the executive. Because

defense spending is constantly in the public debate, nowhere is this truer than in DOD, where the Congress frequently delves into great detail. The continuing questions are: When does oversight become micromanagement and when does the Congress devote more attention to overall planning and framing of national defense and policy, with rational occasional review, rather than extensive line item control of individual defense activities?

The Congress, as an independent branch, in theory is responsible only to its constituents. After all, it is only the voters residing in a Member's state or district who can grant or take away the Member's job on election day. Even though there are other activities competing for a Member's time and attention, such as political party and caucus assignments, Washington related social engagements, speeches to trade association conventions, and fact-finding trips abroad, characteristically Members individually and collectively have acted with their home voters foremost in mind. Therefore, it is logical that reelection, or for Members seeking another elected office, enhancing the next step, is the underpinning of congressional business. Recent House figures show approximately 95 percent of those standing for reelection are successful; in the Senate, approximately 70 percent. The average tenure is over nine years. Thus, senior Members do have institutional memory.

5

CONGRESSIONAL COMMITTEES

Congress on the floor is Congress in exhibition. Congress in committee is Congress at work.

—Woodrow Wilson, 1885

Committees at Work

Wilson's observation remains appropriate today. The committee system, more than 200 years old, divides the work load of Congress. It distributes a wide range of complex issues to work units specializing in those issues.

Because committee jurisdiction often overlaps, proposed legislation might be referred to multiple committees. Often, committees will vie for the right to have legislation referred to them or for review rights on some topical national issue. Several committees might hold hearings on similar subjects. Sometimes, committees will stretch issues into their jurisdictions by the manner in which they interpret their rights. The House refers bills to as many committees as have jurisdiction. The Senate does not (except otherwise by unanimous consent), and refers defense bills only to the SASC. (Senate nuclear energy bills are referred to the Energy and Natural Resources Committee.)

Committees decide what legislation is likely to pass. For measures other than the annual defense authorization and appropriations bills, from their tendencies to be slow, negative and excessively deliberative, committees can be the "graveyards of legislation." Passing a measure is more difficult than stopping one. Often, not

enough time or interest can be developed to compel completed legislative action during a numbered Congress (every two years). A measure not enacted must be reintroduced during a subsequent Congress if the sponsoring Member(s) wishes to pursue it.

Organization and Structure

Neither House nor Senate committees are required to be similarly organized and structured, including membership and the staffs. Each committee has rules and procedures developed over time. Each office reflects the Member's interests, style and constituency. The AM should know how each committee he has contact with is organized or conducts business.

The AM naturally is most concerned with the Defense Committees: HAC, SAC, HASC and SASC. (The Appropriations Committees, formed earlier, consider themselves "senior" to the ASCs.) Depending upon the nature of the chairman, the ASCs and the Defense Subcommittees of HAC and SAC have shown tendencies of independence within Congress. Their Members wield substantial influence concerning formulation of defense policy, programs, weapons and their management and execution. Their staffs generally are regarded as experienced, capable and realistic.

The committees discussed to this point are standing committees. Other committees are called joint and select. Joint committees (Members from each House) are established without legislative authority (cannot report bills to the floor) to study mutual concerns: taxation, economics and the library. Separate select committees are established by each House and must be recreated by each Congress. Except for intelligence committees, they have no legislative authority (the license to introduce legislation). Each holds hearings and issues reports. The select committees of most interest to AMs are those on intelligence.

The House Rules Committee, whose purpose is to funnel proposed legislation to the floor in an orderly way (i.e., control the legislative calendar), is a powerful low-profile committee whose members serve on no other standing committee to prevent possible conflict of interest. With no equivalent, similar Senate functions are performed by the Senate Majority Leader.

Committee Chairmen

Authority and power in Congress are vested primarily in the chairmen of committees and subcommittees. In the past, chairmen of defense committees and subcommittees frequently exerted dominating influence upon national defense through policy, program and funding controls.

Chairmen today still impact heavily on defense matters but, operating in the atmosphere of recent reform, they have seen their power diminish, particularly in the House. They now appear more prone toward negotiation and consensus than before, including consultation on, or coordination of, committee activities with other senior Members. (The caucus of the full committee decides to which subcommittee a bill will be referred, and decides who will be subcommittee chairmen, further watering down the power of the committee chairman.)

In the reform era, one constant has remained. Committee and subcommittee chairmen always are from the majority party. Their performances are sometimes subject to public criticism by the leadership or by a Member of their party. Still, they possess much (but hardly unlimited) control of committee matters, including their authority to:

- Call the committee meetings, approve the agenda, schedule the witnesses for hearings, preside at the sessions (power of the gavel) and recognize Members for questioning and speaking.

- Orchestrate most committee activities (with limited power) to refer legislation to subcommittees, and manage committee bills when they reach the floor.

- Allocate funds to hire professional staff members, whose expertise, networking and detailed committee work, provide the committee with a formidable power base for use by Members to achieve goals in return for their support and cooperation. The chairman sometimes hires staff himself, and some subcommittees hire their staffers.

Theoretically, the seniority system in the House is gone, but most chairmanships still go to senior Members elected by their committee's majority. The reforms also established clearer jurisdictional responsibilities for subcommittees, provided chairmen greater autonomy and authority from the full committee and guaranteed a relatively equal spread of chairmanships among Members. Today, the Senate has more subcommittees than Senators, and the House has enough subcommittees to provide one chairmanship for every third Member. On the minority party side in both Houses, senior committee members in terms of service on the committee remain as ranking members.

Committee Assignments

Committee work provides a Member a forum for making his mark and an impression for public consumption. New Members list committee assignments they prefer, and the leadership tries to accommodate. Reelected Members can request their committee assignments be changed, and they frequently are. The Member's background, interests, constituency and unique qualifications are taken into consideration. "Good" assignments can enhance a Member's value to constituents, whereas "bad" assignments can impair one's influence and use in providing services. In either political party, Members without a major defense contractor or defense base generally might find it hard to be assigned to an ASC (the reelectability factor). In the House, Democrats serving on the HASC generally also serve on a non-major committee. Republican HASC Members do not.

Significant differences exist between what Members are able to do with their assignments. Senators are fewer in number, serve for longer terms and generally are more visible to the media. They serve on more committees and, thus, tend to be less expert on all issues their committees cover, relying more on staffs. Senators are more likely to get national media exposure. And, more of them run for president than do Representatives.

Representatives, on the other hand, by serving on fewer committees, have an opportunity to develop expertise in certain issue areas. They

traditionally do more of their own work and rely less on staff. For groups or persons concerned with those issue areas, Representatives can provide in-depth insight and can become well known in those areas. Generally, Representatives lack independent visibility and national stature.

Defense-related committees have tended to attract Members interested in defense policy and benefits derived from the defense budget. The military has a natural support base among these Members since most represent military bases or defense industries. Strong support for national defense is part of the political culture of many Southern and Western districts, even where bases or plants are few. Contrarily, the HASC recently attracted Members wishing to change the course of defense policy or activities. Whereas with other congressional committees the burden of proof in championing a cause might be with the proposing activity (agency, interest group, etc.), on matters before the ASCs it would be with someone opposing a DOD request.

Comparison Between Senate and House Committees *

Senate

Fewer committees and subcommittees

More assignments per Member (average: 11)

Almost every Senator assigned to one of the elite four: Armed Services, Appropriations, Finance, Foreign Relations

Committees review treaties and presidential nominations

Senators can influence policy area regardless of assignments

Subcommittee government noted on some but not all committees

Easier to bypass committee consideration (e.g., by offering riders) to bills pending on floor

* *Davidson and Oleszak, Congress and Its Members, Third Edition*

Chairmen have a freer hand to organize and manage their committees

Staff are more aggressive in pushing their ideas and shaping agendas

All majority Senators usually chair subcommittees regardless of longevity

House

More

Fewer (average: 7)

Fewer assigned to power and prestige committees: Rules, Budget, Appropriations, Armed Services, Ways and Means

Not a function of House

Member's floor activity somewhat confined to bills reported by his committee

The norm on many committees

More difficult

Chairmen subject to party and House rules limiting discretionary authority

Staff generally less assertive in advocating own agenda

Representatives of majority party usually must wait a term or longer

6

CONGRESSIONAL STAFFS

Recognize that some staff members have their own personal agendas — they, too, are ambitious — and that they, too, are in a revolving door. They may influence their members accordingly.

—Senior Aide to “reform”
Member of Congress

Role of Staffs

The role of congressional staffs, especially committee staffs, has mushroomed in recent years. The role has become such a force behind the decision-making ability of Congress that staff is often referred to as “the unelected fourth branch of government.”

Before 1946, few staff personnel worked for Members or committees. Members did most of their own work, read all their mail, drafted their legislation, and had continuing direct interface with their colleagues. The work load and issue complexity were much less than today.

Realize the important roles played by staffs. Most communication and direct contact between the AM and Congress is through staff personnel, rather than with Members. The Members’ extremely busy schedules and the multitude of items requiring their attention absolutely dictate ever-increasing reliance on staff in the performance of their duties. The number of staffers interacting with the AM during his tour is small, frequently the same ones

repeatedly, facilitating the AM's ability to know their personality, styles and where they are coming from.

Division of Work

Today, myriad complex issues, demands for services from constituents, the increased population served, and the perceived need to monitor performance of the executive branch have resulted in tremendous staff growth, and the number of buildings housing them. The majority of the approximately 20,000 congressional staffers do not work directly on legislation. Their work is generally broken down accordingly.

Most of the 12,000 on Members' personal staffs work on constituency-related case work and public relations activities, including media. Their principal effort is to help reelect their Member. Some 3,000 are professional staff members or on support committees, and many draft and review legislation and programs of the executive branch. Their principal effort is to help achieve the committee's agenda and goals. More than 5,000 are employed by congressional support agencies, such as GAO. These agencies provide direct service to Members and committees in their areas of expertise as "adjunct staff."

These numbers do not include cooks, police, printers, janitors and other support personnel who, by 1981, had swelled the total employed by the legislative branch to about 39,000 before beginning to level. Between 1960-85, committee staffs grew by 237 percent and personal staffs by 175 percent; while DOD Washington Service Secretary staffs decreased by 53 percent, Service chief/support staffs by 10 percent, and OSD/Washington headquarters staffs by 3 percent.

Congressional staff are equivalent to executive assistants in the Pentagon and often wear their bosses' stars. (For protocol purposes, DOD accords staffers DV-5 [two star] status.) The AM should avoid running around a Member's personal staff in Washington or in the state or district offices. Everything said to staff can end up in the Member's ears.

The AM's humility will pay off in the end.

Personal Staff and the Member's Office

Who They Are

Each Member is allotted a staff to serve him personally. The number he can hire is discretionary within (House) a pay allowance and up to 18 full time; and (Senate) an allowance, with extra allowance depending upon size of state, with no number limitations. Members are free to pay whatever and hire as many as they wish as long as they remain under caps (individually) and within the total allowance. If Members wish, additional staff can be hired out of their pockets. Staff are not "GS/GM" employees, do not have civil service protection or benefits and can be fired at will. The longer a Member stays, usually the smaller the staff (so they can be paid more). Young people not long out of college often handle sensitive issues with lots of responsibility.

Personal staffers tend to be young, recent college graduates, without advanced or law degrees, generalists and underpaid. (Of course, there are personal staffers with defense expertise, some of whom serve in the offices of senior defense committee Members.) Work days of 10-12 hours or more are commonplace. Often there are no job descriptions as such, and a staffer can be asked and expected to do anything. Staffs, as part of the Legislative Branch, are not subject to the same protections and procedures (e.g., equal employment opportunity) as staffs in the Executive Branch, and can be terminated for cause immediately. Turnover is frequent since many staffers use congressional experience to move on to other endeavors. It can be frustrating to "old hands" around Washington having to break in new inexperienced staffs, and again cultivate new relationships.

Personal staffers generally are of two types: those closely associated with a Member who come from his state or district and who may have labored on his election campaign; and "career" professional personal staffers who move from one Member's office to another. The former often come to Washington with limited or no knowledge of the city's politics, or experience or expertise in issues of concern to the Member. For these staffers, time and the job itself educate them.

Their strengths lie in familiarity with and loyalty to the Member and their knowledge of and contacts with the state or district. The "career" staffers, without the close ties, provide "corporate memory" of the congressional signature of the state or district (they may have worked for the Member's predecessor) and are "street smart" about Capitol Hill, the legislative process, and dealing with the Executive Branch. Personal staff usually are partisan.

How Staffs Operate

The key personal staff positions are:

Administrative Assistant (AA), usually the No. 1 position, who serves as a chief executive officer for staff and office operations;

Legislative Assistant (LA), the top person involved in drafting and reviewing legislation and programs;

Military Legislative Assistant (MLA), the person who tracks military (defense) issues for Members on defense committees or with special defense concerns;

Press Secretary, who keeps the Member's name favorably in the media;

The Member's personal secretary;

Field Representative / Assistant, who runs the state or district office(s) and frequently represents the Member at local functions.

Any might communicate with the AM on behalf of the Member, particularly regarding industry constituents, procurement or expressing the Member's interest or sentiments on a defense matter.

The personal staff's bread and butter is casework, or handling constituent communications. Most of this is mail. In a recent year, more than 88 million letters arrived on Capitol Hill. All must be processed and answered. Casework includes requests for information or status, questions regarding the Member's position on an issue, requests for follow-up with a federal regulatory agency on a personal

or community problem, help with an entitlement (i.e., social security or veteran's disability) or a personal gripe or opinion. Some small defense contractors might use the casework route for a problem with DOD.

Member's Office

Each congressional office is different, suiting the personality and desires of the Member. The majority of staffers can be placed in Washington, where office space is severely limited and crowded, or in the home state or district, where office space in a federal building or commercial property is more readily available. Some Members prefer to have staff in Washington, particularly if their images are national, they are legislation oriented, or the challenge to reelection is minimal. Larger state or district offices are typically the product of a newer Member choosing to establish himself as accessible to the people, a Member with a serious reelection challenge, or a primarily constituent service-oriented Member without aspirations for national office.

Committee Staffs

Rapid growth also is a byword for committee staffs. From 1970 to 1980, defense-oriented staffs grew from 35 to nearly 90 people. Like personal staffs, they are not under the civil service system. They are hired directly by the committee chairman or by a Member and placed on the committee staff, in the latter case serving both committee and Member.

Who They Are

Committee staffs tend to be older than personal staffs, more experienced with areas of expertise, technically competent and lawyers or holding advanced degrees. Some are retired from the military or other federal service, or have experience in either, a significant situation on defense-oriented committees. The HASC professional staff tends to be one-third academic, one-third with Hill experience, and one-third with operational experience. For those working with Congress for a while (it is not unusual to work most of a career with a committee), the usual path would be personal staff to committee

staff, not the reverse. Committee staffs are housed on Capitol Hill. They frequently travel alone with other staff or with Members on fact-finding trips or hearings to home states or districts.

Owing their allegiance to the chairman, the Member hiring them, or the committee itself, committee staffs are nonpartisan, bipartisan or partisan, reflecting committee traditions. The SASC has majority and minority staffs serving membership of both parties. The HASC, on the other hand, does not so distinguish its staff, which serves all Members. Some committees, like Energy and Commerce and Education and Labor, tend to be partisan. The AM should be aware of the partisan nature of a staff to understand the political climate in which he works.

Because no committees are organized alike, staff titles in one committee might not mean the same in another. However, the "small letter" title of professional staff member (PSM) generally applies to staffs in the non-support and non-clerical areas. The AM usually will have contact with the PSMs. The HAC PSMs tend to remain on the job for 7-8 years, and SAC PSMs, 4-6. Their backgrounds are heavy in auditing and budget.

Generally, titles for key staff positions are:

Staff Director, chief executive officer for the chairman;

General Counsel, top legal advisor frequently taking a lead role in drafting legislation (and herding it through the process) and reports;

Chief Clerk, responsible for committee administration and personnel;

Counsels, usually lawyers assisting general counsel;

PSMs, performing much of the budget review and program oversight functions.

Roles of Committee Staffs

Staff assistance has gone well beyond the old days of preparing hearings transcripts for publication and coordinating witnesses. Now, in helping defense committee Members address issues, draft legislation, review the budget and execute oversight responsibilities, committee staffs have evolved into significant players with substantial authority. Their competence, along with the availability of defense program and funding information, enables them to exert extraordinary influence and weight in recommending positions and decisions.

Committee staffers tend to specialize and possess a repository of facts and knowledge. Their information sources and networking are developed from long or proven associations with DOD and other contacts. Each staffer wants to be as knowledgeable as possible in his defense area, because on Capitol Hill a person with information and expertise—highly marketable commodities—has considerable influence and leverage.

Know the sensitivities of relationships among majority and minority staffs where those divisions exist. Cultivate and maintain both sides.

At the direction of the Member or chairman, staffs routinely are expected to: *

- Suggest areas of inquiry.
- Draft correspondence and reports for the chairman.
- Prepare questions for use during hearings. On occasion, in committee sessions they question witnesses and propose motions.
- Prepare summaries of hearings for all minority Members and follow up with witnesses for additional information.

* *A Guide to Capitol Hill*, Office of Personnel Management

- Draft legislation and amendments to legislation.
- Prepare reports for Members on pending legislation, bill status, daily summary of committee-related items in Congressional Record and executive committee minutes.
- Maintain communications with executive branch on its legislative proposals, rules, regulations and guidelines.
- Monitor administration and impact of federal programs under their committee's jurisdiction through briefings, correspondence, inquiries, investigations, studies, visits and the telephone.
- Maintain committee administrative records, including hearings, transcripts, budget, travel and legislative history of bills.
- Develop and maintain contacts with experts "sources" to gather information, opinions, reactions and ideas.
- Meet with lobbyists and representatives of special interest groups.
- Answer approximately 700 calls per week from Members' offices concerning pending legislation, and another 250 calls not from Members' offices on same.
- Prepare news releases, arrange news conferences, respond to media questions, and assist Members with speeches, constituent problems and radio and television programs.
- Maintain liaison with other staffs in each House.
- Speak before conferences, seminars, panels and groups.
- Arrange and conduct briefings for Members, legislative assistants and interest groups.

Expect communications from staffs. In performing their jobs, staff will need to get answers, positions, policy, figures and

facts. Most of the time they deal through the DOD comptroller on budgetary matters, and the OSD or Service legislative liaison offices (LLOs) for program matters, or through the chain of command. Other times, they go directly to the AM. In the end, many communications may be channeled to the AM. The AM must keep these things in mind: (1) normally, the communication is coming in the name of the Member, committee chairman or committee; this should not be second guessed or taken lightly, even if the authenticity might be questionable; (2) determine the request's origin and urgency and decide how critical it is; (3) a quick response is expected by the staffer and is in the program's best interest (if it comes during markup, the AM must drop everything else to reply); (4) OSD and service procedures must be followed regarding in-house, after-action reports on the contact and information provided or, if there is time, pre-notification.

7

DOD LIAISON WITH CONGRESS

There is a lack of experience in the Pentagon in congressional affairs, rather than the reverse of a lack of military experience in congressional staff.

—Senior Aide to U. S. Senator

DOD Liaison Policy and Operations

The DOD policy is to make information promptly available to Congress. However, this policy is limited only by pertinent regulations relating to security and protection of individual privacy and to official information that requires protection in the public interest.

The law pertaining to lobbying by the executive branch restricts communication with Congress on legislative matters except on request of a Member or through proper official channels. Department and agency heads are exempt. However, once asked, an Executive Branch official can initiate contact if the intent is to continue to keep Congress informed on that matter. The OMB Circular A-19 sets government policy in this area.

The DOD speaks with one voice. Go along with the team approach. The AM must know what has been said officially and support it.

AM Interactions with Congress

The DOD AM — certainly the PM — is likely to conduct business with Congress in the following areas:

— Articulating program details, like system performance parameters, number to be procured acquisition strategy, test and evaluation results, funding profiles and schedule problems

— Articulating management of the program, including how decisions are made, contractor relationships, the review process, the advocacy, and staffing and organizational problems

— Reporting status of any item and changes when occurring or anticipated

— Providing input material to witnesses for budget and oversight hearings

— Appearing as a primary, supporting, or backup witness at a committee hearing

— Providing program briefings

— Providing written or oral responses to congressional inquiries

— Editing draft hearing testimony transcripts

— Arranging for or escorting Members or staff visiting contractor facilities or DOD field activities

— Preparing, reviewing, or supplementing program and funding status reports

— Tracking, keeping the history, and relating back to what was previously said to the Congress on any item.

DOD LIAISON OFFICES

The DOD liaison with Congress is divided into appropriations and non-appropriations matters. Each is handled in a separate office within the Office of the Secretary of Defense (OSD) and the Services/Defense Agencies (S/DAs).

Appropriations (Budgetary)

At the OSD/DOD-wide levels, the Office of the DOD Comptroller conducts liaison with the Senate and House Appropriations and Budget Committees.

Non-Appropriations (Non-budgetary)

At the OSD/DOD-wide levels, the Office of the Assistant Secretary of Defense (Legislative Affairs), ASD(LA), conducts liaison with the Senate and House Armed Services Committees and other committees interacting with DOD, except those concerned with budgetary matters.

The S/DAs conduct congressional liaison using similar offices and in the same manner as OSD. The big difference may be in titles.

Learn when and how to use DOD congressional liaison offices.
The OSD and the S/DAs have central offices designated for conducting liaison with Congress. The AM must work through these offices in normal circumstances. Most, but certainly not all, congressional requests for information go via the OSD or Service comptroller or legislative liaison office (LLO). The AM must understand roles of these offices and learn how to use them for the success of his program. The AM should consult appropriate OSD and S/DA directives regarding actions to take. They are listed as an appendix to this Guide.

Comptroller Liaison

Responsibilities of the DOD Comptroller and S/DA comptrollers include: the planning, programming and budgeting system (PPBS), budget formulation and execution, financial management and information to support justification of the budget to Congress. In carrying out the last responsibility, the comptrollers will interface with the AM.

Usually, only comptroller representatives discuss funding matters with Congress. Two reasons for this requirement are: the common

fiscal control function between military budget offices and the corresponding committees, and the fact that only one set of funding figures should be provided from a central source to avoid inconsistency or inaccuracy. The two appropriations committees have reviewed military budgets for 60 years, developing a close trust relationship with comptroller offices. Defense subcommittee staffers often have military comptroller experience to reinforce this bond. (The DOD Comptroller in the Bush Administration is a former SAC staffer.)

Congressional inquiries on budgetary matters must be referred to the comptroller. In spite of best efforts, the speed with which numbers fluctuate may make it difficult for the AM to have the latest numbers, either actual program costs or numbers in next year's budget. It makes good policy and good sense to check with the comptroller's shop.

Legislative Affairs

The OSD LLO is headed by the ASD(LA), a civilian political appointee. Typically, the ASD(LA) and his top politically appointed assistants includes staff service with Members or congressional committees. That office acts as the focal point for liaison on matters concerning defense authorizations, DOD-wide policy inquiries and cross-service issues. The office is manned by military personnel of all Services and career Civil Service employees. However, operationally-oriented military officers assigned there and counterpart offices in the S/DAs often lack knowledge and experience in the Pentagon-congressional political arena and are forced to learn immediately. A military O-5/6 is assigned liaison with the Under Secretary of Defense (Acquisition) and is an extremely valuable contact for AMs on any acquisition matter.

The Office of the ASD(LA), called OASD(LA), is responsible for DOD legislative program coordination, congressional liaison, including arrangements for witnesses and testimony at hearings, congressional inquiries; DOD support of congressional travel, and security clearances for congressional staff.

The OASD(LA) performs liaison that transcends the Services; i.e., defense policy, acquisition policy, base closures, etc.). They are more

active politically than S/DA counterparts and have deeper and more frequent contacts with The White House and the Hill. The OASD(LA) can provide information on who is pro/con defense, who favors what Services, identify who might be concerned with an issue, and speculate how a Member or committee might act. The OASD(LA) can fashion a strategy regarding interests of Members and can generate sessions with them to advance those interests.

The Joint Chiefs of Staff, Army, Navy and Air Force each have an LLO headed by a military director, usually of two-star rank, who serves as OSD's counterpart. The LLO main offices are in the Pentagon. Branch offices are in the Senate and House office buildings to nurture good relations, keep communications open, provide services to Members and committees, perform some casework, escort Service visitors and witnesses, and escort Members on official travel.

The LLO staffers are not supposed to be experts in the AM's areas. Neither are they advocates for programs. They walk a fine line and would rather the AM sell the program. Congress prefers the LLOs act only in a liaison capacity to maintain credibility. The LLOs can lead and help open doors, but they cannot do the AM's work. Involve them in the evolution of strategy to establish and maintain good relations.

Service/Defense Agency LLO Activities

The S/DA LLOs perform similar activities as the OASD(LA), but probably get into more programmatic detail. Duties include:

- Acting as buffer between AM and Congress by responding to questions beyond AM's reach or expertise, like policy or the latest DOD position.
- Acting as clearinghouse for defense information.
- Explaining programmatics or defending budget requirements, not necessarily clarifying themselves, but by getting together the right people from DOD to meet with concerned congressional parties.
- Pre-briefing the AM and other DOD officials on what to expect before visiting Congress, accompanying them, and conducting post-visit critiques.

— Coordinating “murder boards” for testifying officials before hearings or other visits.

— Notifying Members and committees about installation matters, including openings, closings, construction, and major policy changes.*

— Notifying concerning contract awards in accordance with P.L. 97-298.*

— Providing an “inside look” into possible political or sensitive ramifications unknown to the AM.

The AM must realize not all congressional inquiries will come through proper channels. Some will come directly to him, particularly if previous contact has been made. Regardless, the AM should take care with all information he releases, record the transactions, and notify his superior and the LLO.

Congressional Access to Classified and Sensitive Matter

Members and staffs are authorized access to classified and unclassified information when necessary to perform governmental functions. Members have clearances for classified matter by virtue of their election to Congress but the level of clearance is left open. Staff clearances are processed by OASD(LA) and go through the same background investigations as do DOD personnel. When granted, the clearances are for a certain level.

Members and staff usually require a “need to know” before being given classified information. Not all such material has to be released to them. Besides classified material, other sensitive DOD material, some of which may be unclassified, may not be releasable. This includes contract or contractor information, proprietary technical data, material covered under the Privacy Act, internal DOD budget documents such as the Program Objective Memoranda or when executive privilege is invoked. Intelligence committees can dictate in

**The AM must be meticulous in handling these subjects and defer to the LLO. Regarding contract notification, the AM must be extremely careful about releasing early notification before official notification by the LLO.*

what form Members have access to data and do a good job while maintaining secrecy. Most Members do not wish to know secrets because it would inhibit their debate on those issues.

The AM must avoid establishing an independent game plan for doing business with Congress. Because the AM — especially a PM and staff — might not be privy to grand strategy by top management or the LLO and, thus not realize his program's place in the big picture, the idea is dangerous. For sure, playing off or currying favor with state delegations concerning contract awards is a clear case of "shooting oneself in the foot."

The foregoing analysis applies to Members acting in their personal capacity, and for their personal staffs. It does not apply to an official request from a committee or from a Member acting in an official committee capacity. (For instance, note whether the Member uses committee or personal letterhead as the basis for his request when writing. Attempt to determine whether Congress is asking for the information on behalf of a committee or a corporate constituent.) Information can be denied if it involves a case in litigation. The AMs must exercise extreme care in dealing with such situations and should not respond, even in good faith, if it could harm the government's case.

The release to Congress as "the institution" potentially raises the question of executive privilege, a situation which must be referred to top management. Generally, it is the exception to the rule when it is not turned over to Congress, "the institution." When classified or sensitive matter is given to Congress, generally it is caveated against public disclosure. Usually, such decisions within DOD are made by top management.

Unauthorized Release of Information

Unauthorized release of information to Congress is frequently counterproductive and should be avoided meticulously. This category ranges from deliberate release in advance of official release times to "score points" and be a "good guy," to outright ignorance of procedures.

The AM should contact the LLO immediately for guidance if any question arises concerning release of classified or sensitive material to a Member or staffer.

Finding Out About the Status of Pending Legislation, Congressional Committee Hearings and Floor Action

General Sources

The Bill Status Office provides legislative status information on all bills and resolutions before the Congress. The office is located in Room 696, House Annex No. 2, 2nd and D Streets S.W., phone: (202) 225-1772.

Today in Congress is a column which appears daily in *The Washington Post* when Congress is in session.

U.S. Capitol telephone information number: (202) 224-3121.

In the House

House Democratic Cloakroom: Recorded Messages

House Floor Action: (202) 225-7400

Legislative Program: (202) 225-1600

House Republican Cloakroom: Recorded Messages

House Floor Action: (202) 225-7430

Legislative Program: (202) 225-2020

House Documents Room: H226 U.S. Capitol, (202) 225-3456.

Distributes House bills, reports, public laws, and documents. Committee-produced materials should be obtained from the Committees themselves.

Democratic Cloakroom: (202) 225-7330

Republican Cloakroom: (202) 225-7350

Majority Whip: (202) 225-3130

Minority Whip: (202) 225-0197

Clerk: (202) 225-7000

In the Senate

Senate Democratic Cloakroom: Recorded messages describe Senate floor action (202) 224-8541

Senate Republican Cloakroom: Recorded messages describe Senate floor action (202) 224-8601

Senate Documents Room: Distributes Senate bills, reports, public laws, and documents. Committee-produced bills should be obtained from the Committees themselves, B4 Hart Senate Office Building, (202) 224-7860.

Democratic Cloakroom: (202) 224-4691

Republican Cloakroom: (202) 224-6191

Majority Whip: (202) 224-2158

Minority Whip: (202) 224-2708

Secretary: (202) 224-2115

Daily Digest provides information on chamber action and committee meetings: (202) 224-2658.

Senate Executive Clerk; S227 U.S. Capitol, (202) 224-4341. When Congress is in session, this Office handles all information and materials related to treaties submitted to the Senate for ratification. When Congress is not in session, check with the Senate Documents Room.

II

CONGRESS AND THE LEGISLATIVE PROCESS

8

CONGRESSIONAL BUDGET PROCESS

Authorizers give us the hunting license. Appropriators give us the rabbits.

—Senior Staffer in Congressional Budget Process

The primary responsibility of Congress is to legislate — to pass laws by which the country is governed. Therefore, legislation occupies most of the annual congressional agendas. Budgetary (money) bills are most numerous. Some 12,000 bills are introduced by each Congress. About 500 become law, of which about 250 are substantive.

The two types of bills involving DOD are authorization bills, which authorize programs and specify how much (the maximum) can be spent on those programs, and appropriations bills, which provide the “money” (the actual amount of “budget authority” (BA) to enter into obligations). The annual concurrent resolution on the budget and, if required, the continuing appropriations resolution, although not actually bills, are also major legislative activities. Authorization and appropriations bills appear on the congressional calendars about the same time each year.

Budget Process at Work

The process through which the President’s budget is acted upon, with its authorization and appropriations bills, preceded by a concurrent budget resolution in both Houses which sets budget limits, is called the congressional budget process. It is also referred to as the enactment process, whereby Congress enacts legislation giving the

Executive Branch its BA with which to operate.* The process begins when the President submits his annual budget to Congress in January-February outlining his needs for funding the Executive Branch of the federal government for the next fiscal year which starts in October.

Understand the particulars of the congressional budget process. The AM is not expected to be an expert on any budget other than his own, but it makes good sense to follow and comprehend what Congress is doing to his program. The process tests the political skills of DOD witnesses in articulating requirements to a legislative body of diverse interests and perspectives, and of DOD staff who track bills through their checkpoints. The process is complicated, mostly tedious, sometimes frustrating to watch, rarely totally satisfying to defense advocates, and usually late. Occasionally, a program is increased or deleted. Most often it is pared. To remain as requested is good fortune.

Congressional Budget Process Timetable

The accompanying "Congressional Timetable" figure displays how the budget resolution and authorization and appropriations bills make their way through the congressional budget process. Additionally, the following dates are important:

5 days prior to President's Budget Submission: CBO Sequestration Preview Report

First Monday in February: President submits his budget; OMB Sequestration Preview Report

6 weeks after the President's Budget Submission: congressional committees submit Views and Estimates to budget committees

* *Enactment also is the second phase of DOD's four-phase resource allocation process: (1) planning, programming and budgeting system (PPBS) within DOD, (2) enactment, (3) apportionment of money by the Office of Management and Budget, and (4) execution, obligation or spending of the money.*

1 April: Senate Budget Committee reports Concurrent Budget Resolution to Senate

15 April: Concurrent Budget Resolution

15 May: Annual appropriations bills considered on the House floor, even if budget resolution has not been passed

10 June: House Appropriations Committee reports final appropriations bills

30 June: House completes action on annual appropriations bills

15 July: President submits mid-session review of the budget

10 August: Presidential notification exempting military personnel from sequestration

15 August: CBO sequestration update report

20 August: OMB sequestration update report

10 days after Session: CBO final sequestration report

15 days after Session: OMB final sequestration report; Presidential order

30 days later: GAO compliance report

Budget Enforcement Act (BEA)

Passage of the BEA in 1990 after a budget "summit" between The White House and Congress altered and complicated existing legislation to control the federal deficit and spending. The previous law, called Gramm-Rudman-Hollings (GRH), was intended to reduce the deficit. But it fell woefully short of its goals, and radical changes became necessary.

The GRH had established a budget process calling for a balanced budget by FY 1991, achievable by identifying a deficit target for each FY so that if the target were exceeded, Congress and the President

would have 30 days to fix it. If Congress and the President were unable to agree on the cuts, an automatic trigger would be invoked, known as sequestration.

However, the BEA shifts emphasis from deficit reduction to spending control. It creates spending "caps," or ceilings, on categories of discretionary appropriations, establishes new sequestration procedures to enforce the caps, and requires all entitlement program (e.g., Social Security) increases and revenue reductions to be on a "pay-as-you-go" basis. BEA sets spending caps for five years and a minimum level for revenues. Although projecting that deficits will decline, The BEA does not require, or foresee, that the deficit would ever reach zero.

**Revised Deficit Maximums from GRH and BEA
(\$ Billions)**

	1986	87	88	89	90	91	92	93	94	95
GRH I	172	144	108	72	36	0				
GRH II			144	136	100	64	28	0		
BEA I						327	317	236	102	83
BEA II							349	285	158	117
BEA III								419	305	301
Actual	221	150	155	152	219	269				

NOTE: BEA I - shows deficit figures in 1990 agreement; BEA II - President's FY 92 budget; BEA III - President's FY 93 budget

The BEA divides spending into two areas: discretionary appropriations, and direct spending, or entitlement programs. Discretionary includes spending within three independent categories for FYs 91-93: for defense, domestic, and international programs. For FYs 94 and 95 the categories are combined into one. Both budget authority (BA-funding provided by Congress) and outlays (funds actually spent in a FY) have been separately capped. The present competition between domestic and defense programs for new funding will disappear for three years and will be replaced by competition among programs within each independent spending category. In FYs 94 and 95, the

separate discretionary caps will be collapsed into one cap for BA and one for outlays and all discretionary programs will compete for appropriations. The BEA allows the President to adjust the caps, probably upwards, on occasion for specific reasons (e.g., Desert Storm). Under the BEA, any required sequestrations of discretionary appropriations would be applied uniformly only within the independent category concerned.

(NOTE: Discretionary items comprise approximately 40 percent of the federal budget. Approximately 60 percent are permanent and fixed into law. Discretionary items receive the most attention from Members and the public, particularly in trying to control the deficit, perhaps not recognizing the growth and continuance of the 60 percent.)

The discretionary caps are fixed amounts. They may not be exceeded either by transferring money saved from one category to exceed the cap on another, or by providing for excess through new revenue legislation. The ironic consequence is: no real "peace dividend," frequently invoked by politicians supporting less defense and more domestic spending.

**Discretionary Appropriations Spending Caps
(\$ Billions)**

	1991	92	93	94	95
Total Discretionary					
BA				515.2	521.9
Outlays				538.4	541.5
Defense					
BA	332.9	301.8	289.0		
Outlays	330.8	309.3	296.8		
Domestic					
BA	182.9	202.7	206.0		
Outlays	200.5	215.1	225.3		
International					
BA	21.2	34.5	22.8		
Outlays	20.3	19.8	20.6		

NOTE: These caps, annually updated, are from President's FY 93 budget, February 1992 supplement.

The sequester procedure remains, but now sequesters might occur more often than annually. To the AM, this threat is the BEA's major force since sequesters could reduce available program funding at any time.

The disappearing "peace dividend" ballyhoo which escalated after the fall of the Berlin Wall poses a serious dilemma on the Hill. Efforts to change the BEA agreement allowing transferring funds to domestic programs have failed; many Members foresee a larger loss of defense contracts, and an economic impact of lost jobs greater than is now expected because of the defense build-down. It remains to be seen how far Congress will slice defense spending in excess of the President's recent requests —if that far. The AM is swept up in a political turmoil and can only pay attention and ride it out, with alternatives planned.

"TWO-STEP" BUDGET PROCESS

Another name given to the congressional budget process is the "two-step" process, the means through which Congress provides defense funding by the authorization step first, followed by the appropriations step. In actuality, it is more of a "three-step" process, counting the concurrent budget resolution. This precedes authorization and sets annual total federal budget targets (caps) for the authorizers and appropriators to work toward.

The origin of the "two-step" process was a House of Representatives rule in 1921 which decreed appropriations could not be recommended by appropriations committees for purposes not authorized by law. (Remember, all "money" or funding bills originate in the House.) Similarly, another rule prohibited the substantive committees, such as Armed Services, from adding appropriations to the authorization bills after they had been reported out of committee. In 1959, the process began a detailed review of the entire defense budget. Public law established no funds could be appropriated for

procuring aircraft, missiles or ships unless that appropriation had been authorized by legislation. Subsequently, requirements were added to include almost everything we spend money for in DOD, and everything in systems acquisition. In other words, the procedures have evolved into:

- The Armed Services Committees authorize programs (including quantities) and set funding ceilings for those programs

- The Appropriations Committees can fund only those programs which have been authorized, for any amount, but for no more than the ceilings

- Armed Services cannot add funding to their authorization bill after it reaches the floor of the House for full debate

- Appropriations cannot authorize programs not already authorized by Armed Services

- Appropriations can choose not to fund authorized programs.

In reality, these rules are not always followed to the letter. Although certainly not routine, in recent years Appropriations has, in fact, funded programs not authorized by Armed Services. The DOD has seen these turnabout possibilities as a two-edged sword. It can work to DOD's advantage when a favorite program sought in Armed Services, but not authorized, is picked up in Appropriations. To DOD's disadvantage, some factions in Congress have used Appropriations to add a program not desired by DOD or Armed Services. The DOD is not supposed to start an unauthorized program. Generally speaking, if a program is funded without authorization, the matter is worked out among DOD and the authorizing and appropriating committees.

CONCURRENT RESOLUTION ON THE BUDGET

Budget Committees

The Senate and House Budget Committees (SBC, HBC) were created by the Congressional Budget Impoundment and Control Act of 1974

which also established the budget resolution requirement and the CBO. Neither budget committee has subcommittees, although the House has several "task forces." The committees hold hearings, usually with senior administration officials. It is unlikely the AM will be asked to assist in activity with the SBC or HBC. The committees annually determine the appropriation limits for the FY under consideration, using the President's budget and input (views and estimates) from standing committees and the CBO. They work simultaneously to bring the concurrent resolution on the budget to the floor in each house.

Budget Resolution

After submission of the President's budget and its current services (not military services, but programs the government intends to provide the public) estimates, the CBO, acting for Congress, prepares a similar report called the Current Policy Budget Estimate (CPBE), using independent economic assumptions. The CPBE is sent to the SBC and HBC where it becomes a baseline and is assimilated with projected estimates from all standing committees regarding funding required to continue their programs. These data are used by the budget committees to develop recommended target revenue and spending guidelines for the coming fiscal year. These guidelines, brought to the floors of both Houses in the form of Concurrent Resolutions on the Budget, set overall spending levels for use by the authorizers and appropriators.

The budget committees make aggregate, not line item, decisions, asking the question: "Does it fit the policy objectives of the committee Members?" The Budget Resolution, by definition, is not law but only advisory, a congressional planning document in the form of a summary table. However, it is binding upon Congress to the extent that if a bill exceeding the ceiling in the Resolution reaches the floor, a vote of 60 percent of the total membership is required to change the ceiling.

Within the law, no authorizations or appropriations can be considered until the budget resolution is passed. In reality, they are, because of the usual delays in passing the resolution which cause severe time constraints. Practice has been for the authorizing and

appropriating committees to begin their work without the budget resolution if necessary. (In 1986, the first year of GRH, the Senate and House did not adopt the budget resolution until late June, more than two months behind schedule.)

The two separate resolutions are debated on the floor of both houses and passed. Considerable attention is paid to defense and other discretionary funding areas. Generally, there are differences, requiring a conference committee. By law, the conference agreement must be met by April. It may match the President's total budget request but, more likely, Congress exercises its prerogatives regarding appropriations.

Reconciliation

The resolutions set limits but do not spell out how much to spend on defense or other major budget area. They do contain reconciliation directives to standing committees calling for certain dollar savings and a deadline for reporting legislation to achieve the savings. This requirement applies to the entitlements which constitute 60 percent of the federal budget and serves to get recalcitrant committees to move to decrement the budget. Later, the budget committees introduce an omnibus reconciliation bill which incorporates these legislative recommendations and it is acted on by both Houses. (In the House, if appropriations committees violate the spending caps, they are subject to a point of order by any Member rising in support of the caps.)

The mechanics of authorizing and appropriating are fascinating to behold. To many observers, this is a textbook example of our democratic process at work — the art of give-and-take, trade-offs, negotiations, and compromise applied during this match between executive and legislative, and within the legislative itself.

9

CONGRESSIONAL HEARINGS

Frequently the staff already knows the answers to questions about to be asked.

—Senior Staffer of an Appropriations Committee

Congressional committees and subcommittees use hearings to discuss and act on public business within their jurisdictions. A hearing is a formal committee meeting scheduled and convened by the chairman. Of course, not all committee matters are handled during hearings. Much work is done in private or otherwise off the record.

Witnesses from the private or public sectors appear before a committee and testify on certain subjects. Usually, witnesses begin by reading a prepared statement and respond to questions from the Members. The hearing proceedings are legal records of congressional business and are recorded, usually published, and are used for purposes like drafting legislation, background or reference material, and direction or guidance for a federal agency.

A hearing is either open (public welcome to attend), or closed (by invitation only, committee meets in executive session, or classified information is being discussed). Hearings predominantly are on Capitol Hill, but not all. They can be anywhere and occasionally are in the chairman's state or district. "Sunshine Legislation" a few years ago opened more hearings, particularly markups.

The impact of a committee staff during hearings should not be underestimated. As directed by the chairman, staffers assimilate detailed material on DOD programs (much accumulated year-around), summarize and provide it with

questions and remarks to Members for potential use. Staffer presence at hearings is obvious as they move about behind the Members' chairs, frequently passing notes to, receiving instructions from, and whispering to the chairman and other Members. Occasionally, the staffers ask questions of witnesses.

CHARACTERISTICS OF HEARINGS

Five Types of Hearings

Legislative. Witnesses act as government officials, have few rights and must respond to all questions. (Used for authorization and appropriations hearings).

Oversight. How well the executive branch is implementing the laws and intent of Congress. Witnesses act as government officials.

Investigations. Witnesses act as individual citizens, can refuse to answer questions and have more rights than in legislative hearings.

Advise and Consent. For nominations and treaties in the Senate.

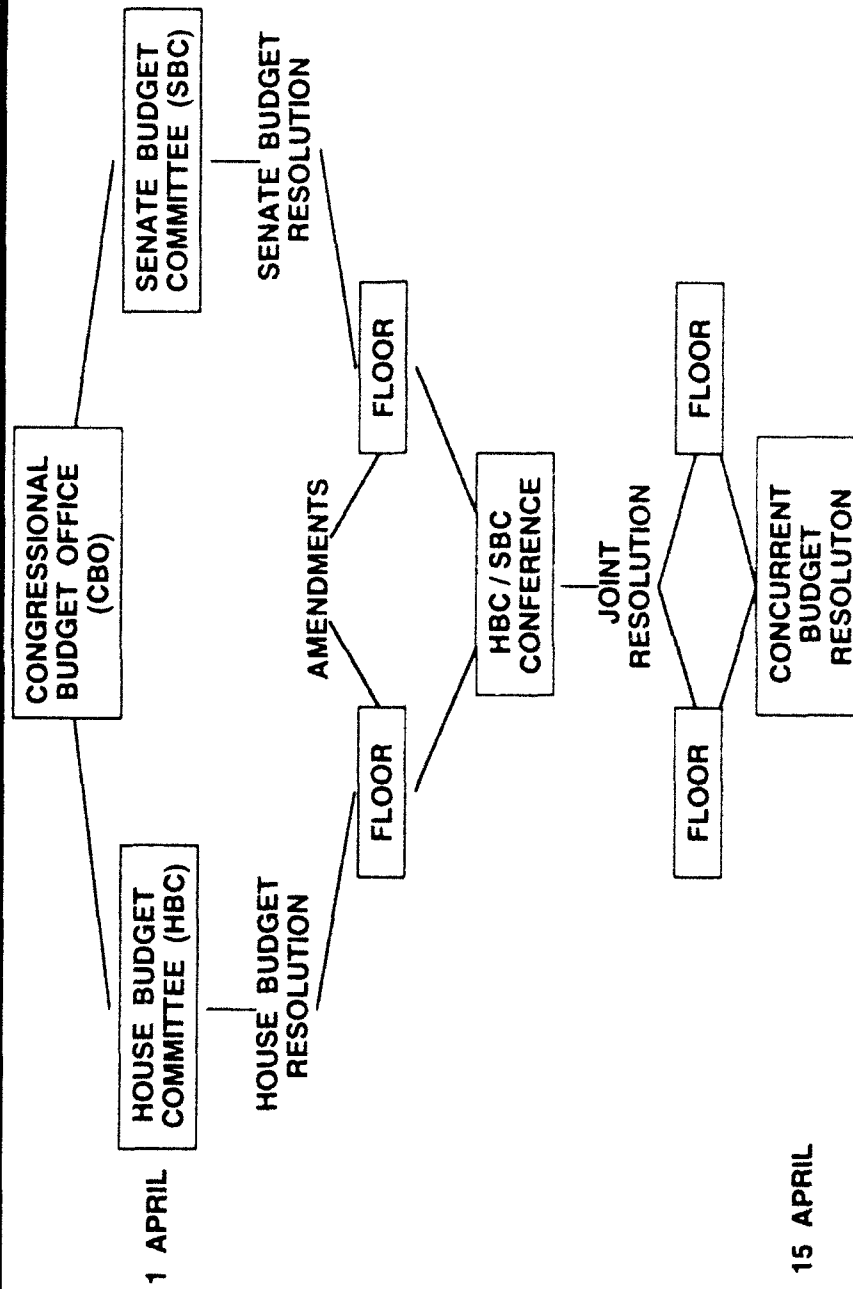
Markup. Putting a bill in "final draft"; no witnesses called.

Why Hearings Are Held

Hearings are held primarily to get a matter on the public record, such as hearings used to deliberate the DOD authorization and appropriations bills. Other reasons are:

- "Official" information gathering
- National, or local district, public relations purposes
- Reelection purposes, especially for home consumption
- Delay legislation (hold up the progress of a bill by taking some, if slight, action).

BUDGET RESOLUTION PROCESS



- Fulfill campaign commitments
- Make or build the record for a chairman, Members or the committee
- Staged to benefit one another (sybiotic)
- Hidden agendas.

Scenarios

Hearing scenarios vary by committee or subcommittee. A typical hearing might run only one day from 1000-1200 or 1400-1600 depending on material to be addressed. Likely, more than one primary witness will testify, particularly at budget hearings. Testimony is recorded by a hearing reporter. Some testimony is sworn (with oath), others not.

The primary witness may be accompanied by adequate supporting and backup witnesses, but these should be held to a minimum. To quote a former chief counsel for an authorizing committee, "An abundance of uniforms looks fine in a parade, but they become particularly conspicuous in a hearing room."

At open hearings, expect to find the media, defense contractors, lobbyists, students, tourists and representatives of foreign interests, perhaps including foreign embassy personnel. Some hearings begin as open ones, move into closed session for discussion of classified information or so Members can meet privately.

The LLO can learn the agenda and committee intent and help alert or coordinate beforehand. The AM should not be flattered if called to testify and must go fully — repeat fully — prepared to address anything in his area.

Characteristics to Remember

Don't be surprised at the lack of attendance by committee members. For example, Senators serve on numerous committees and

subcommittees and cannot possibly attend all hearings (there are more than 300 committees and subcommittees). Other factors include no interest in the subject and, most importantly, constituent business (visiting delegations or campaign associates, etc.). Other characteristics of hearings include:

- Members do not attend hearings always to find out information. It could be they have it already, and this should be considered if it appears they are not paying attention during proceedings.

- In some cases the chairman and a staff member may be the only committee personnel present.

- A staffer cannot convene or continue a hearing in the absence of a Member(s).

- Typically, a committee quorum in the Senate is one Member present; in the House, two Members present, with one being from the minority party. (Not all committee rules are alike.)

- Hearings are frequently interrupted by bells calling Members to the floor for quorum calls or votes.

- Some committees permit an absent Member to be represented by personal staff to give the chairman a list of questions to be asked on his behalf.

- Select, ad hoc and joint committees can hold hearings but cannot report legislation (exception: the Select Committees on Intelligence.)

DOD WITNESSES

Statements and Testimony

Primary witnesses usually are required to submit a prepared written statement to the committee a day or two before the hearing. Copies are available to the public. These statements set the stage for testimony which follows and for general subject philosophy. Because some statements are long, often they are not read aloud but entered into the record (a reason for providing it earlier so Members and

staffs can read ahead). If classified, an unclassified version is usually required for the public.

Testimony, including prepared statements and oral responses to questions, must convey adequate, accurate and appropriate information, and should be of high quality and easily understood by the congressional audience. Recognizing that Members and staff have some depth of understanding of the subject, and attendees may be experts in the area under discussion, witnesses should be judicious in using military jargon, "Pentagonese" expressions or acronyms, and excessively technical and programmatic details — unless requested or it is clear committee personnel understand.

Witnesses are obligated to support the DOD or S/DA position. Opinions should not be volunteered and may be expressed if asked and identified as such. Testimony should be restricted to information germane to the question or hearing subject. In general, witnesses have to be prepared to address any aspect of the subject. Unless charged with doing so, a witness should not assume himself to be speaking for DOD or a S/DA.

Guidance on these and other conditions affecting witnesses and testimony are contained in appropriate DOD and S/DA directives, some of which are cited in Appendix C.

AM Assistance to Witnesses

Preparation for and attendance at hearings and briefings regarding weapon systems acquisition — whether budget or oversight hearings — usually would include a senior AM and perhaps, the PM. As directed by higher authority, the least the PM might provide is some of the information used in writing the testimony and backup material, although the PM usually would not write either.

In helping to prepare witnesses, the AM can make substantial contributions, such as: identifying issues or subjects likely to be addressed by the committee; developing backup or study books with facts and history; holding one-on-one briefing sessions; helping compile a series of potential questions and their replies; and assisting in "murder board" dry runs. Formats and processes prescribed by DOD and the S/DAs must be followed, such as writing and assem-

bling information in a form permitting rapid identification and extraction under pressure.

Input from the AM to preparers of testimony is important. The AM should consider this an opportunity to advance his program with the facts. Information must be accurate, timely (the latest, and forwarded on time), supportive of policies and DOD or Service positions, consistent with other materials submitted, of sufficient detail with ease of reference, and with conclusions and summaries to aid the witness in absorbing the "big picture." Information can include: test and evaluation schedules and results, acquisition strategy, contractors and their locations and dollar amounts, performance parameters, quantities being procured, competition plans, and previous congressional interest.

The AM as a Witness

The AM may be asked to appear as one of the three types of witnesses: primary, supporting and backup. The primary witness delivers the prepared statement and frames the testimony. The supporting witness may be asked by the committee or primary witness to elaborate or respond to a question. The backup witness is usually a "details" person who in most cases would not be called upon but who whispers or writes information to the primary and supporting witnesses and takes notes. Generally, primary witnesses are senior civilians or military officers. For hearings on weapon systems, it is not unusual to have the PM as the primary witness. A supporting or backup witness should respond when requested and otherwise remain in the background.

Know what to expect as a witness. Appearing as a hearing witness is challenging to say the least. The witness should have facts available to present or indicate they will be available later for the record. Being honest, pleasant, forthright, business-like, respectful, candid, and able to distinguish opinion from fact are necessary personal characteristics. Knowledge of DOD or Service policy on the matter is useful, and that policy should be supported. Awareness of and empathy for the hearing's political ramifications and sensitivities, to the committee or to an individual

Member, are an absolute necessity. (This aspect could envelop the entire issue of why the hearing is being held, or otherwise could be at the heart of one or more key issues.) Be careful of signals sent through body language, facial expressions, frequent passing of notes or whispering: they may show improper preparation. Sarcasm, negativism, emotional displays, hedging, inconsistencies and waffling likely will not create goodwill for the witness, his program or his organization.

Transcripts

Transcripts of hearings form the basis for hearing records and committee reports. They usually are provided to witnesses for their reviews and to correct factual mistakes. No substantive changes can be made. This is a courtesy extended by committees, whose rules must be followed.

Probably the most important rule is the deadline to return the transcript, generally short-fused (1-3 days). Deadline extensions seldom are granted, and being late is considered as being "nonresponsive to Congress." This can cause criticism and loss of credibility, telephone calls by the chairman to heads of the Services and critical remarks printed in committee reports. In the end, a witness is responsible for his testimony.

An AM should edit his transcript or that of another witness for grammatical errors, misquotes, and inaccuracies; to identify security or policy information and place brackets around it; and to insert copies of visuals (graphs, charts, tables, etc.) used during the hearings. No attempt should be made to produce unreal written testimony from oral testimony, or to edit remarks of committee Members or staffs. Transcripts should not be shared with contractors or unauthorized parties without a "need-to-know."

Apparent errors should be identified in the margin along with recommended changes. Excessive editorial changes are generally unacceptable and can be rejected and returned to the Service. In recent instances committees have required entire sections be typed by the S/DA as an alternative to excessive editing. If the AM

determines the testimony is incorrect, misleading or requires security classifications, he should alert his LLO.

Insertions of Material for the Record

Not all questions during the hearing can be answered there. A witness may not know the reply or it may be too long, detailed and complex to provide. Rather than speculate, wander from his area of expertise or make a halfway attempt, the witness is advised to say "it will be provided for the record." There may not be enough hearing time for all questions, in which case they are given the witness, and answers are expected when the edited transcript is returned.

An AM may assist a witness required to provide an insert for the record if the question was part of the witness' testimony and the AM is most knowledgeable to prepare the reply. As with transcripts, each committee has rules regarding insertions.

Follow up on transcripts. Editing transcripts and inserting material in the record are handled through the comptroller or LLO and usually travel via the chain of command. Action instructions and do's and don'ts accompany the material and, if not, should be obtained. Remember, this may be the "best chance" or last chance" to be on the record. Do a good job. Congressional records outlive an AM's career.

CONGRESSIONAL TIMETABLE

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
	15 25		1 15	15	10 30				

PRES CBO
BUDGET SUBMIT

^ ^
COMMITTEE
INPUTS

^ SCHEDULED ACTY IAW
G - R - H. ALL OTHER DATES
ARE APPROXIMATE

BUDGET RESOLUTION

HOUSE

HRNGS MARK FLOOR
UP ^ FLOOR

SENATE

HRNGS MARK FLOOR
CONF
UP ^ ^ FLOOR

AUTHORIZATIONS

HOUSE

HASC HRNGS MARK FLOOR FLOOR
UP
SASC HRNGS MARK FLOOR FLOOR
UP

SENATE

APPROPRIATIONS

HOUSE

HAC HRNGS MARK FLOOR
UP ^ ^ ^
SAC HRNGS MARK FLOOR
UP

SENATE

10

MARKUP AND CONFERENCE COMMITTEES

Congress has a short-term look at almost everything.

—Former Member of Congress

Markup

Some of the most important and crucial committee activities occur at markup time, when bills are given final review in subcommittee or full committee. Markup means Members literally mark the bill, line-by-line, agreeing to or striking out items, adding amendments and, otherwise making changes. The resultant bill is agreed to first by the subcommittee, then the full committee and ultimately is reported out for consideration by the body.

Markup sessions resemble hearings, except no witnesses are called. Generally, they are open to the public. A chairman may ask if a representative from an agency whose bill is being marked happens to be present, in case information is needed quickly. Markup uses much of the material from the earlier hearings.

Historically, the HASC is first to mark the defense budget and normally makes significant changes to programs. Congressional activity in program changes during markup has increased greatly since 1970, a year when total line item dollar adjustments (adds and cuts) by the SASC and HASC were 180. In 1985, there were 1,314, up 631 percent, about 60 percent made by the HASC. The HASC subcommittees do perform markup. The SASC subcommittees do not markup; it is done by the full committee.

Markup sessions can take days and are lengthy, involved and tiring for Members and staffs. Typically, at this time the committee must

have received from DOD the complete, accurate and immediate responses to proposals and questions. The AM may be asked to provide information and, therefore, must stay current and alert when his program is being deliberated.

Conference Committees

The likelihood of the House and Senate passing identical authorization and appropriations bills is rare. Consequently, if two different bills have passed, the houses must meet to resolve differences and construct a single compromise bill which will be presented to both houses for final passage. The mechanism is called the conference.

Although rules call for the Senate presiding officer and Speaker of the House to appoint conference committee members, in reality this is done by chairmen of committees reporting the legislation. Unlimited conferees can be named by each house. For recent authorization bills, approximately 16 Members represented the House. Party representation usually reflects its proportion in each house. The conference chairmen rotate. Staff participation is heavy, and usually there are many people attending. None are from DOD or the public because conferences are closed. Conferences are tricky, complex and pressurized. The later these occur in the congressional session, the more so.

As expected, the conference divides into subconferences. No instructions are given the conferees going into conference. The atmosphere is one of negotiation, trade-offs and compromise. No witnesses are called. Additional backup material usually is not requested. Conferees deal with broad categories, only with what is in the record, and try only to resolve differences. They cannot exceed the scope of the differences and cannot enter anything that is not debatable. The DOD is allowed again to submit a written appeal. The AM may be called for specifics. Items agreed to earlier in both Houses remain intact. No issue can be revisited, but on occasion the bill has been modified or language added.

Staffs play key roles in resolving most disputed matters, with Members agreeing to their recommendations. Staffs often are surrogates for Members to resolve differences at staff conferences. Then, Members continue resolution and, on controversial matters, they usually bargain directly, though the staffs usually helped develop positions

and options. Significant trading (compromising) might take place, with personalities often carrying a successful issue before agreement is reached.

When this work is finished, the conference report is the legislation agreed to in conference by a majority of conferees. It includes instructions to DOD. When the Senate and House act on the conference report, the word is "adopted," not "passed." If it fails, it is returned to conference. It cannot be amended on the floor, but can be returned to conference with direction or recommendations in lieu of amendments.

Timing and speed are essential to Members during markup and conference committees. The AMs must react accordingly when requests for information are received, but without jeopardizing the integrity of the liaison process.

11

AUTHORIZATION PROCESS

There was never any intent that the Budget Committee would get into authorization and appropriations levels preempting those committees before they held their hearings.

—Senior Member of Appropriations Committee

In theory, authorization must be completed before the appropriations review can begin in order to separate the legislative and funding processes. In actuality, both the authorizing and appropriating committees start about the same time because of the voluminous, time-consuming work required.

Defense authorization comprises: (1) program approval, (2) funding ceiling (appropriation cannot exceed) for that program, and (3) quantities to be procured. Authorization looks at line (individual) items and appropriations account totals, but does not convey obligational authority to spend. Often, the defense authorization act, once passed, will contain more than the foregoing, including myriad amendments containing whole or partial bills relating to, for example, acquisition policy.

Defense Programs

Defense programs include:

— Weapon Systems Acquisition—Research, development, test and evaluation (RDT&E) account; and procurement accounts, including weapons procurement (WP), aircraft procurement (AP), ship construction and conversion (SCN), and other procurement (OP).

— Line items within Other Accounts—Including operations and maintenance (O&M), military personnel (MP), and military construction (MILCON).

The three major authorization bills involving DOD are:

- The DOD authorization bill
- The MILCON bill
- The national security programs bill which addresses some nuclear programs, among others.

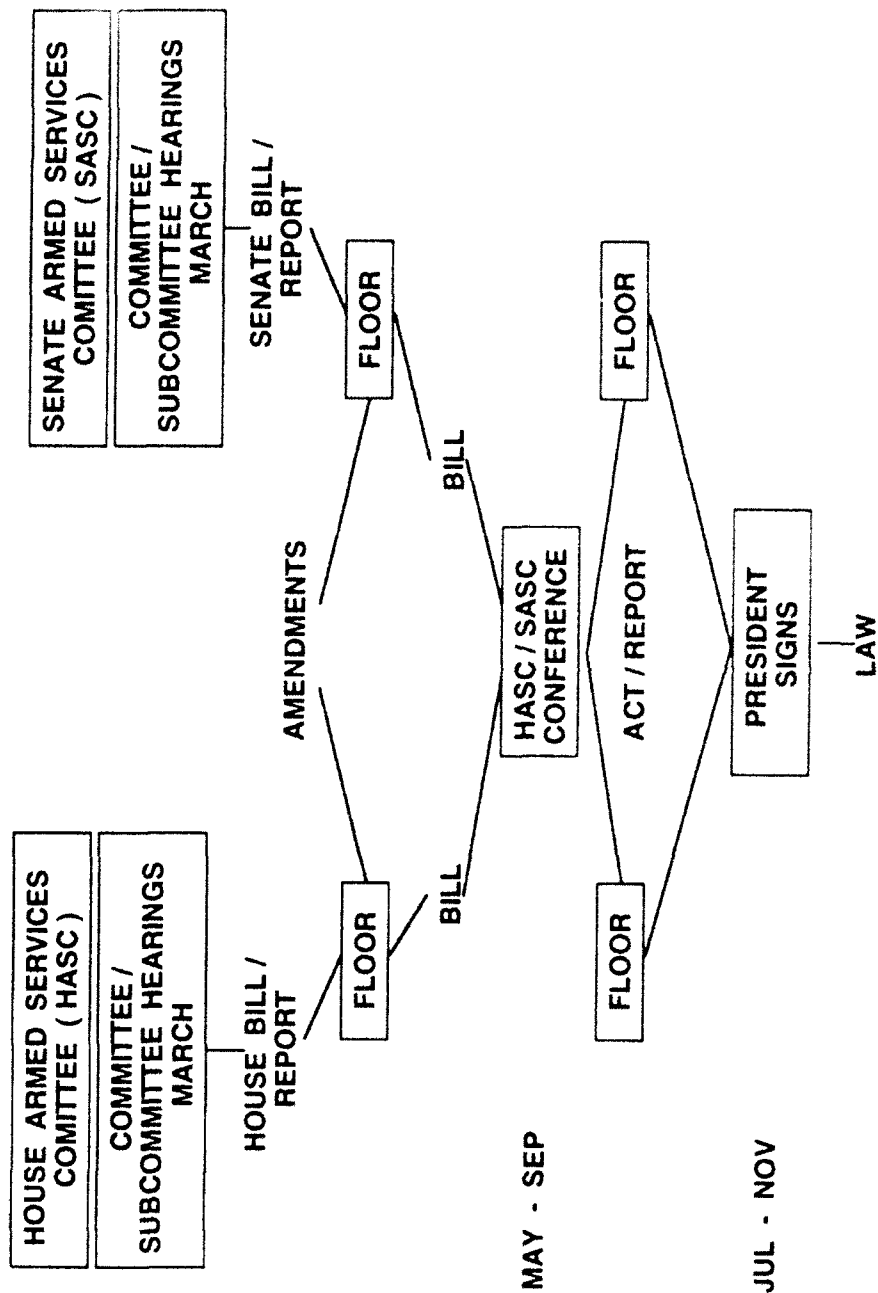
The AM may have stake in all, but the DOD authorization bill generally is his main concern and is the one addressed here. In concert with the two-year budget submitted by DOD, the authorizing committees attempt to authorize some programs for two years, although not many of significance. In actuality, Congress passes an annual authorization bill regardless of the DOD budget submission.

Committee Hearings

Before detailed reviews, the HASC and SASC hold hearings on military posture, or, the status and readiness of DOD and the S/DAs regarding war-fighting capability, force levels, manpower strengths, etc. These hearings set the stage for in-depth program reviews. Witnesses are from top management: the Secretary of Defense, senior OSD officials like the Under Secretary of Defense (Acquisition), Service Secretaries, Chairman of the Joint Chiefs of Staff and military Service chiefs.

Usually, the HASC and SASC hold separate hearings on RDT&E and procurement. Although principal witnesses are assistant secretaries of defense and the Services and deputy chiefs of staff, an AM of a major program may be called to testify or be a supporting witness. Witnesses present and support programs and funds requested in the President's budget usually by reading a prepared opening statement and responding to committee questions and remarks.

AUTHORIZATION PROCESS



The HASC and SASC hold extensive hearings, but customarily the HASC spends more time on details. Like all standing committees, the President's budget is divided into areas of jurisdiction. Defense is dispersed to the authorizing subcommittees that handle all defense requests, from the aggregate to minutiae. Once the subcommittees finish work, their reports are brought before the full committees. Hearings can continue, or the committee may proceed to finalize its review. In doing so, it takes the budget and makes changes through markup.

After markup, the full committee completes its review and reports out the bill to the floor, reporting its rationale for actions taken. The HASC usually precedes the SASC in completing its review, which is completed near May 15. Authorization bills reported after that may be considered only if a waiver is granted from the House Rules Committee.

The AM must understand what transpires in authorization deliberations. Constructive debate, posturing, opinion stating and ideological appeals are parts of the system. Trade-offs among cost, performance, schedule and quantities are made as in the Pentagon. The urge to get "down in the grass" on an issue and play micromanager with low levels of detail is not uncommon. Arrangements are struck, often out of sight and earshot. Entire programs or their funding levels can be "offered up" to achieve a personal or subcommittee goal elsewhere.

Floor Action by the House

Without waiting for the Senate version, the House takes action. The bill is debated on the floor. The full House is not obligated to accept the committee's bill carte blanche. Amendments are offered and agreed to or voted down. Usually there are changes, often originating from non-committee Members whose positions are reflected by the House as a whole, if not by the committee. The vote is taken, the bill passes, and action by the Senate is awaited.

Senate Action

During HASC activity, the SASC conducts hearings and prepares its version of the marked-up budget. Between House authorization bill passage and markup, the Senate allows DOD to submit a written appeal on House action which addresses adverse effects caused by reductions. The appeal is considered and the budget is marked in a similar manner as in the HASC. The SASC reports out its bill to the floor along with its rationale. The full Senate debates the bill, considers amendments and votes. The bill is usually on the Senate floor longer than it is on the House floor.

Authorization Conference Committee

The bills passed by each House will be different — possibly different programs, quantities or account totals. These differences must be reconciled by a conference committee. When conference action is complete, the conference report is the legislation to be adopted by both houses. After adoption, the bill goes to the President for signature into law, and DOD has its authorization.

Seemingly vast amounts of information are requested and must be supplied. Some is used for, some against, but is not one-sided. The DOD is heard, often accommodated. The result is a package believed by the committee and by Congress to be the best for national defense based on resources available, priorities and America's role in world affairs. Arguably, there may be truth to what DOD officials might say leaving hearings: "Congress cut...did not understand...failed to recognize," or "they just don't know what they're doing to my program." In the end, Congress accomplishes its constitutional responsibility faithfully and objectively.

12

APPROPRIATIONS PROCESS

Congress guides our defense strategy by the budget, rather than the other way around as the Pentagon would have it.

—Member of an Armed Services Committee

The process by which an appropriations bill proceeds through Congress is similar to that of an authorization bill. There are a few distinctions.

Major Defense Appropriations Bills

The six major appropriations bills involving DOD are:

- DOD appropriations bill
- MILCON bill
- Energy and water bill
- Civil defense and selective service bill
- Strategic stockpile bill
- Supplemental appropriation bill.

This Guide concentrates on the DOD appropriations bill, which provides funding for weapon systems acquisition (less nuclear programs, funded under the energy and water bill) and most other major items affecting the AM. (If there is a supplemental

appropriation, it comes near mid-year and usually funds O&M and personnel accounts.)

Realize the different perspectives of the appropriations committees. Traditionally, the HAC plays an almost adversarial role within the Congress, seeing the HASC and other authorizing committees primarily as advocates for their respective agency funding requests. The HAC sees itself as a "guardian of the taxpayers" and pays close attention to details, new programs and program increases. The SAC perspective is one of ensuring the "lower house" does not "give away the store" to the detriment of constituency or national interests. The SAC is last to markup and must bring to the floor a bill that meets the targets set by the Budget Committees.

DOD APPROPRIATIONS BILL

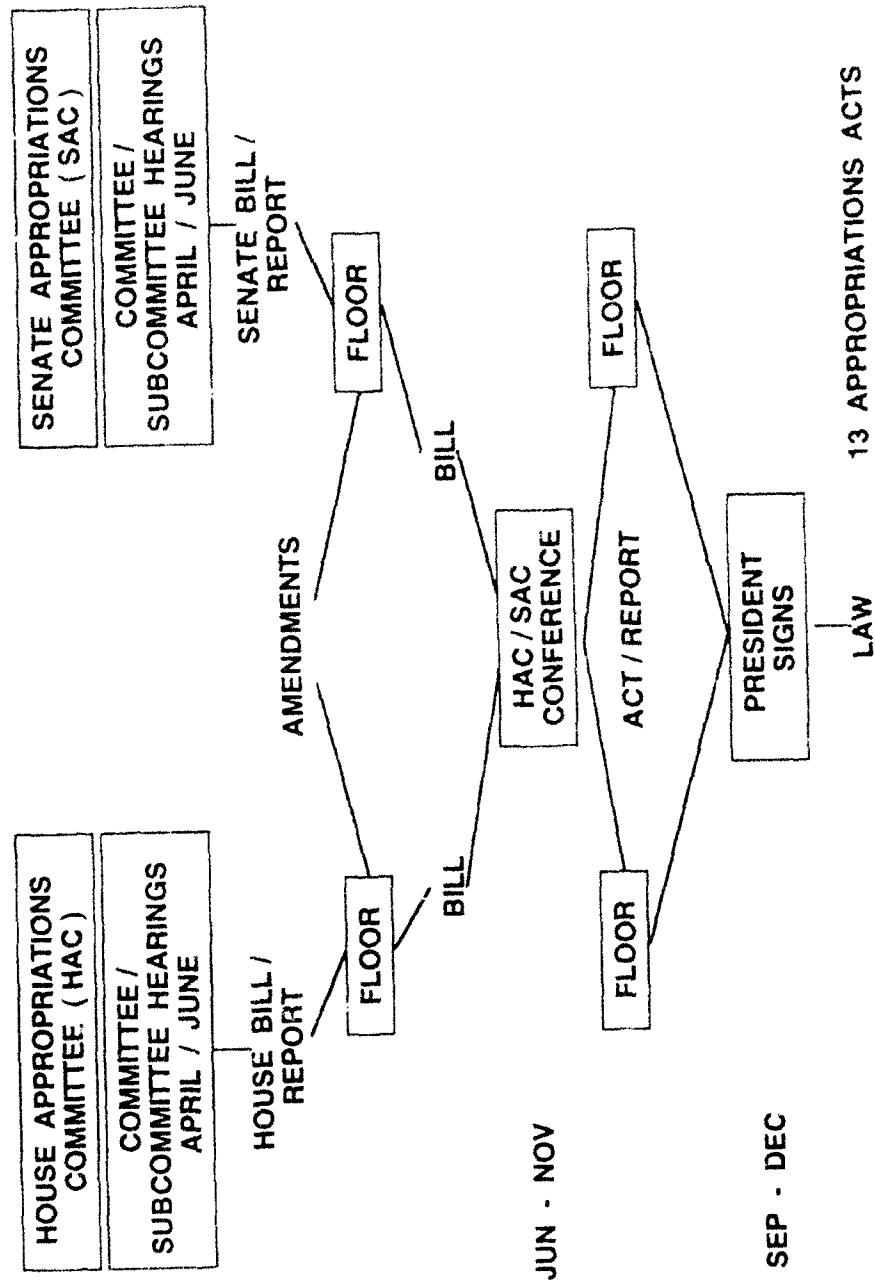
House Review

Review by the HAC begins with hearings at which top administration officials appear. They include the Secretary of the Treasury and Director of OMB to testify on broad questions of fiscal policy. Then the Subcommittee on Defense, like the two ASCs, hears SECDEF, the Chairman of the JCS and other top Service officials defend the President's budget.

Hearings are based on appropriations accounts regarding defense programs. For example, when the operations and maintenance account is being reviewed, all Services are heard before the next account is reviewed. Proceedings are generally the same as in the authorizing committees regarding witnesses, prepared testimony, questioning, and editing of transcripts. So are markups. Remember, appropriations committees evaluate dollar amounts, and either add (unusual), cut (more than likely), or let stand (possible).

Following markup, the printed proposed bill and subcommittee report are sent to the full committee which acts similarly to the authorizing committees. The marked bill is then reported out to the floor, and usually within a few days is debated and passed.

APPROPRIATIONS PROCESS



Senate Review

Budget hearings in the Senate normally do not begin until the HAC has reported out, and sometimes not until the House has acted. The nature, length (normally 2-3 weeks) and timing of the hearings vary depending upon the budget situation, House action and the chairman's desires. Generally, the SAC Subcommittee on Defense does not consider the budget on a program-by-program basis. Significantly, the SAC is key to DOD in the appeals process. The SAC Subcommittee on Defense and full committee procedures closely parallel HAC's regarding conduct of the hearings, markup, and report. For ease of comparison, the subcommittees show the bill with both House version and proposed Senate amendments to it.

Appropriators want only those briefings they ask for. Normally they don't take information briefings. If one were proposed, their first question would be: "what's wrong with the program?" When called, provide lap briefs. Don't talk about the "out years" — only the three years of the President's budget, unless you know Congress already has the Future Years Defense Program. Answer only those questions that are asked.

Appropriations Conference Committee

The procedures used to reconcile the two houses on the appropriations bill are identical to those for the authorization bill. The two staffs compare line-by-line on each element to seek differences. This turns into material for the conference committee. Both houses then take action on the compromise bill, and after the President's signature, the "two-step" congressional process is over.

Once the appropriations bill is signed, and subject to apportionment by OMB, funds up to the amounts authorized and appropriated are available to DOD. Before funds can be obligated, appropriate DOD and other procedures must be followed.

APPEALS

The congressional appeal process provides DOD the opportunity to justify restoration of all or part of any program reduc-

tions or changes made by a committee report. Such restoration would be to the level of the President's budget. Processed through the comptroller, the appeal may give additional or better justification, clarify errors or misconceptions, rebut the committee's position, or explain why the changes are unacceptable to DOD. Normally, appeals are generated in the Pentagon, but the PM may be called on for assistance.

The appeals procedures chain is:

Report being appealed	Appeal made to
HASC markup	SASC
SASC and HASC markups	Authorization conference
HAC markup	SAC
SAC and HAC markups	Appropriations conference

CONTINUING RESOLUTION AUTHORITY (CRA)

Even though the congressional budget process begins in early February, the appropriations act normally has not been completed until after the start of the next fiscal year (FY). The Budget and Impoundment Control Act of 1974 changed the FY start to October 1. Since this change only three FYs have begun with a Defense Appropriations Act in place. Uncharacteristically, the FY 1989 authorization and appropriations acts were both passed and signed in the final hours of FY 1988, marking the first time in many years DOD began a new FY accordingly. Today the CRA maneuver is not as popular as in the past.

This affects not only DOD but all federal agencies, technically meaning the government is without funds with which to operate beginning October 1. Because the Anti-Deficiency Act specifies no payment shall be made in excess of or in advance of appropriations unless authorized by law, Congress has developed the CRA as an interim, stop-gap measure for keeping the federal government alive. The CRA is signed by the President into law.

If used, the CRA is acted on at the end of the FY or immediately after October 1. It is a resolution passed by both houses which has the effect of law. It provides authority to continue ongoing programs, either at the same funding level as the previous FY, or at a portion of the requested year, whichever is less, while action on the appropriations act is completed. Each appropriation account (RDT&E, O & M, etc.) is addressed separately and will contain conditions (limitations) under which the authority is granted, including funding levels and the CRA's own duration (usually for a set period of days). In some recent instances, the CRA has contained and constituted the actual appropriation act for DOD and has had all the impact and authority of a separate appropriations act. In short, the CRA is a piece of legislation open to the will of Congress.

Watch out for CRA limitations, changes to old programs, or any new issues. The CRA is particularly significant for the PM, as it may impose a set of limitations on program execution for the duration of the CRA. These limitations may cause management problems, such as the inability to award contracts, start production, or a deferral of level of all effort. A serious problem confronts a PM transitioning into full-scale development or production causing program revisions to accommodate the delays. Some planners forego any new starts during the first quarter of the new FY because of the annual threat of CRA. The CRA is a perturbation that must be anticipated. It can last a few days, weeks or as long as 3 months.

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COMMITTEE REPORTS

Crisis management is the norm. Congress reacts to crises.

—Member of Congress

Reports (records) of hearings are usually published and become a basic source of information in considering authorization and appropriations bills. However, timeliness of the published reports, which often takes many weeks, could affect their impact. The DOD and the public can acquire copies of the reports and also are informed of committee activity through the media.

Committee rules govern procedures for recording and access. Witnesses usually are allowed to examine hearings transcripts and make grammatical or technical, but not substantive, changes. Material must be submitted for the record before the record closes (a "reasonable period of time"), a deadline which should be monitored closely by concerned DOD personnel.

"Committee Language" and "Legislative History"

Reports often contain suggestions and recommendations, called "committee language," for greater economy, efficiency and performance in DOD. These non-statutory controls can be general or specific, the latter as a directive, and can range from the very definite "expects" to the less persuasive "feels." They can emanate from legislative or oversight hearings. Technically, they are not the law but they are generally accepted as binding on DOD.

The language can record why legislation was passed, indicating the background of committee sensitivities, intent and rationale. This is

called "legislative history," and gives further insight and guidance to DOD in addition to being reference material. This is particularly true regarding authorization and appropriations acts. Reports can be critical, or they can contain complimentary remarks. However they appear, the purpose is to extend congressional involvement in executive branch management, and DOD rests assured it may be queried on what has been done in reaction to the language.

The AM should work through his LLO to determine the nature of committee language. Discussions with committee staffs can determine just how Members (particularly the chairman) felt about an issue and what was meant.

Program Changes

Committee reports document how the committee feels about the wide range of defense programs, in aggregate or individually. The AM should know how his program is addressed, especially if it is changed in any capacity (funding, quantities, testing, etc.), or has become a Congressional Interest Program.

The text tells how changed programs are expected to proceed, if any studies or analyses are required to be reported back to the committee, or whether release of funds is contingent upon DOD completing a designated action. Aside from forming the basis for an appeal, the language becomes program guidance if not reversed or modified in conference. Any language in the Senate or House reports not superseded by reversal of language modification stands to accompany the authorization or appropriations bills.

Some reductions may be included in a general rationale paragraph as due to lack of justification or nonspecific reasons. The affected AM should ask the comptroller or LLO to find the real reasons. The AM should check the General Provisions section for broad provisions influencing more than one appropriation or military service which might impact him.

Congressional Interest Program (CIP)

A CIP is one receiving special attention from a committee which precludes DOD from reprogramming funds into, or out of, that

program without congressional approval. Any program can become a CIP through a committee mark or by being mentioned in a report or legislation.

Analyze congressional reports. An AM must remain current on what Congress is doing not only to his program but to other DOD programs, sense the mood and sniff the winds. Committee reports are a valuable source. They provide a basis for continued discussion with committees and the Pentagon and the developing activity staff. With this information, an AM will be better equipped to prepare appeals and advocate and administer his program.

III

CONGRESS AND THE OVERSIGHT FUNCTION

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CONGRESSIONAL OVERSIGHT

Senior DOD acquisition official, appearing before an armed services committee: "Gentlemen, what we'd like to know is when are you going to stop micromanaging our business?"

Senior, veteran professional staff member of that committee: "Sir, when you start."

—Differing Views

This exchange typifies the environment, some might say trap, where the sticky issue of congressional involvement in administration of the Executive Branch lives. That it will at one time or another almost certainly draw the AM into its net is a foregone conclusion.

Origin of Congressional Oversight

The Constitution, Article I, Section 8, gives Congress authority to review government operations and administration. Use of the term "oversight" is a recent addition, based on inherent power to appropriate money and see to its proper spending. The historical precedent for oversight was the Joint Committee on the Conduct of the [Civil] War in the 1860s. However, the first congressional investigation on military affairs was in 1792 regarding poor quality of powder and uniforms blamed for General St. Clair's defeat by the Indians in the West. Oversight was a minor function until the New Deal (1930s) and World War II, when suddenly there was much more to oversee.

The 1946 Legislative Reorganization Act uses the words "continuous watchfulness" in directing all congressional committees to exercise oversight of agencies and programs in their jurisdiction. A committee reporting legislation has oversight authority in that area. In 1974, GAO was authorized to assist Congress in program evaluation and

assessment. In short, Congress is unwilling to grant carte blanche to the Executive Branch without strings.

Imagine the vastness of trying to monitor the Executive Branch. Often, Congress can conduct oversight only after the fact. Does oversight generate solutions and preventions, or just treat symptoms? How are the results of oversight measured if not by more reports and feedback? The answers remain illusive.

NEED FOR OVERSIGHT

Throughout the years, oversight has become a congressional responsibility some observers feel is equal in import to authorizing and appropriating. Reasons given for increased congressional involvement in Executive Branch management include:

- Fraud, waste and abuse in the executive branch
- Conscientious efforts to ensure limited resources are utilized most effectively for national security, internal social harmony and execution of other national policies
- "Big government," involving itself more in the lives of citizens and resultant dissatisfaction
- Failure of or skepticism of the abilities of government to deliver as promised
- Focus on the Administration's failures (most likely) or accomplishments (less likely)
- Protect, project and support favored policies and programs
- Publicize and advance a committee's or a Member's goals and agendas
- Availability of more congressional staff, thus allowing for more attention in this area
- Assertion by Congress of authority in the 1970s after years of the strong presidency, with the Vietnam War and Watergate opportunities the prime examples

— Increasing complexity of issues begging solutions which need to be aired

— Display committee initiative and aggressiveness in dealing with agencies and forestall appearance of inactivity or comfortable relationships

— The feeling "things just aren't being done as well as they should."

Prior to a requirement in the 1980s for baselining certain programs, Congress had only two formal methods for keeping track of DOD management: the budget process — which includes the authorization and appropriations processes — and the selected acquisition report process for reporting the status of certain programs. The budget process remains the most effective tool for oversight and is conducted through hearings, investigations and reports.

For whatever single or combination of motivations, Congress is expected to continue close monitoring of DOD activities. The figures, however, inconclusively show both increases and decreases in measurable oversight functions — hearings, testimonies by OSD officials and written and telephonic inquiries. Yet, the point to be made is less quantifiable to DOD in these numbers than it is in the nature or severity of oversight, namely: detailed line-item-level changes and decision making, second-guessing and challenging, constant justifying on many grounds, reporting back, and the frustration of "someone else telling us how to fight a war."

Understandably, these are real concerns for Congress and DOD. Regardless of personal feelings, the AM must appreciate congressional viewpoints and make every effort to accommodate and foster good working relationships, whether directly with Members or staff, or through intermediaries like the LLO or senior Pentagon staff. The irritation is not necessarily oversight as a requirement, but, rather, the inability of Congress and DOD to close down issues that

generate intense congressional interest, like the MX (Peace-keeper) Missile or the Strategic Defense Initiative.

OVERSIGHT TREND

Figures

Oversight dramatically increased after the Watergate incident. For example, according to a February 1986 report by GAO on Legislative Oversight covering the two periods 1965-74 and 1975-84:

- Average number of committees and subcommittees requesting hearings nearly tripled, and the number of hearings increased by five percent

- Average number of testimonies by SECDEF decreased by 21 percent

- Average number of DOD officials testifying annually, including SECDEF, and the average number of witnesses appearing increased by about nine percent each

- Average number of written inquiries per year decreased by 34 percent

- Average number of telephonic inquiries decreased by 18 percent.

The report further stated:

- Briefings (presumably formal) increased from 972 to 1,333 over the period 1973-84, even though hours decreased from 1,696 to 1,432

- Congressional directions to DOD (studies/reports, provisions of law, other actions) increased from 118 in 1970 to 1,087 in FY 1986, most in studies/reports

- Pages in budget justification books increased from 11,927 in 1974 to 21,143 in 1982.

Allegations of perceived cozy relationships among armed services committees and DOD has given some observers the impression that ASCs fail to perform adequate oversight. This could be why the House Energy and Commerce and Government Operations Committees, for example, have gotten into defense oversight. Reacting to this, the ASCs, which some perceived as "fronts for the Pentagon," now act more like healthy critics.

Impact of Oversight

The DOD argues that Congress should focus on broad objectives and just give it the money to do the job. Congress argues it would if DOD would manage itself better, stay out of the newspapers with horror stories, and produce weapons that work right. All appear to recognize excessive interference can constrain effective and efficient routines. However, for Congress to relinquish its oversight role would be tantamount to leaving non-elected officials to administer national defense.

The issue of oversight vis-a-vis micromanagement has affected DOD's internal management psychology: if Congress wants details, so do we and down the line. Consequently, each level has required more paper, more reviews, and more status reports with many more headquarters and command staff playing in the overlays.

The debate will continue. The AM must realize by virtue of his position he is part of it, often in the middle. The issue will manufacture distractions and roadblocks if his program is involved.

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CONGRESSIONAL BRIEFINGS

A senior general told me he gets too much help from Congress. That's the first time I've ever heard of someone saying he got too much help from Congress.

—Senior Member of
Appropriations Committee

A congressional briefing is an informal hearing given by DOD to Congress on any subject. Briefings are a routine means of gathering information during the budget and oversight processes or for any purpose. A briefing can be as important to a program as a hearing, maybe more. Guidance offered in this Guide for preparing for and participating in hearings is applicable to briefings.

Characteristics of Briefings

Most briefings are requested by Congress, either by subcommittees or committees, a chairman, an individual Member or by staff. Occasionally, DOD or an S/DA requests a briefing to make certain points or acquaint Congress with what it is doing.

The audience can be a roomfull or one person. That one person can be a key personal or committee staffer. A Member does not have to be present. Generally, there are no set procedures or rules as in a hearing, but this does not mean the AM should discern less seriousness on the part of congressional attendees. He should have a "feel" for what will be discussed and why, the expected attitude of those attending, and should be prepared to answer pertinent questions. The briefing does not have to be held in a hearing room but can be in a Member's office, the Pentagon, the field, a contractor's office or a program management office. Usually, it is private and not publicized. When facing Congress, the AM must have a handle on the program

or issue at stake. Take along experts in testing, logistics, engineering, budget, etc., to assist. However, don't overwhelm the party being briefed, especially if it is one or two persons. Use discretion. The way the AM responds in these situations creates impressions and has make-or-break lethality.

Functions of Briefings

Briefings serve several functions:

- Assist new Members or staff in becoming current with a program
- Provide more in-depth material than was available or presented during a hearing
- Serve as a prelude to a hearing
- Generally educate
- Advocate the program and seek support
- Justify requirements for keeping the program
- Explain recent events, perturbations or changes
- Seek concurrence with proposed changes, as in "running it up the flagpole"
- Present a program appearing in the budget for the first time.

Differences Between A Briefing and A Hearing

The differences between a briefing and a hearing include:

- The PM is usually the one who briefs an acquisition program.
- He is called the "briefer" and not the "witness."
- Notes might be taken by attendees, but unless a memorandum for the record is stipulated, no formal or official record is kept.

- Briefing questions are likely to be more detailed and technical.
- Visuals (i. e., overhead projector viewgraphs), handouts, mock-ups and models are used more frequently.
- Probably, more OSD, service and AM officials and staff accompany.
- Briefings are more commonplace.

Briefings are extremely important to the life of a program. The climate and tenor of a briefing can become very informal and relaxed. While this can cultivate excellent and mutually beneficial interchange between PM and attendees, it can also result in misconceptions. Candor is translated by the Congress as meaning credibility. The briefer should not assume an "off the record" stance, be careful of expressing personal opinions which might be interpreted as being official positions, and be careful in agreeing to provide additional data, since there may be some restrictions or complications to doing that. The impact of a briefing, while not sensed at the time, can have far reaching effects.

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CONGRESSIONAL INQUIRIES

The Hill often acts to get the attention of DOD to force them to do something.

—Senior Aide to U. S. Senator

Besides hearings and briefings, three other traditional methods used by Congress to obtain information are inquiries, investigations and trips. Each is considered an extension of congressional oversight.

Congressional inquiries are requests for information from the executive branch and are informal (verbal) or formal (in writing). Most are verbal. The DOD and the S/DAs have explicit directives on how inquiries will be handled. Only general guidance is given here.

Informal Inquiries

Informal inquiries usually come from congressional staff who routinely telephone DOD (or ask face-to-face) with inquiries year around, the bulk coming during peak periods in the budget process. Usually they come via the comptroller/LLO. Such inquiries are processed through appropriate channels, which might include directly from LLO to PM. Some inquiries may come directly to the PM. Most involve programmatic or budgetary matters and could be:

- Follow-ups to previous discussions, hearings or briefings
- Requests for new or current figures
- Verification of data received elsewhere (care should be taken in this area, since every effort must be made by the PM and others concerned to provide a consistent set of numbers or data)

— “What-if drills” regarding potential impacts or courses of action if certain steps were taken (say, to cut half a program’s RDT&E funding for the next FY).

The deadline for responding to informal inquiries depends mostly on the urgency of the request and how the caller perceives the difficulty of getting the response. Usually, it would be a few hours or a couple of days. Obviously, if the HAC or SAC is in the middle of markup on the appropriations bill the information is needed right away.

Exercise caution on direct calls from Congress. The AM should be tactful and willing, but cautious, while avoiding the appearance of being evasive. Possibly, the telephone inquiry should best be handled by a formal written request or reply. This may be the most prudent course. The comptroller/LLO should be advised and their guidance strongly considered. If a verbal response cannot be avoided, the AM must exercise best judgment, realize the consequences of his response, and notify the chain of command and the comptroller/LLO immediately. Common sense goes hand-in-glove with caution here. Sometimes the AM’s reaction will depend on his credibility and relationship with the Member or staffer asking the question.

Formal Inquiries

Formal inquiries arrive as congressional mail or transmittal sheets. The DOD handles congressional mail with the highest priority. Timely responses, within a few days, are mandatory. Interim acknowledgments are sent when more time is needed to assemble, diagnose and forward the information. Mail from committee chairmen takes precedence; mail from other Members is next, then transmittal sheets.

When a chairman or Member writes a personal letter to an official in DOD, this is called congressional mail. Most of these letters are for top management, but it is customary for one to be directed to a mid-level manager or PM. Besides requesting similar kinds of information as in informal inquiries, this type of inquiry would usually address controversial or sensitive subjects, policy decisions, explanations or future plans. They also serve to document a committee’s

or Member's interest in a particular subject since replies are virtually guaranteed. A response to a letter addressed to someone less than top management probably would be signed-out by an official up the chain.

The Member's query is likely to be of a more personal, parochial or political nature than a chairman's and often is precipitated by a constituent's action. Nevertheless, the same types of information may be sought from DOD by the Member.

The Member has a service obligation to constituents to get answers for them. Consequently, he forwards to DOD a wide range of requests, ideas, suggestions, complaints and thoughts. One might be a technical question regarding a new weapon system from a retired engineer. Another might be from a high school science class suggesting ways to increase stability in guided missile destroyers. Some will appear naive, some well-thought-out, some just curious, some accusatory, some pleasant, some not. The end result is the Member, and DOD, must reply to all of them. Extreme care must be taken regarding contract matters or litigation.

Member inquiries not signed by the Member on personal letterhead are forwarded by his office staff on pre-printed transmittal sheets (buck slips). Sometimes the original constituent correspondence is attached, forwarded by a hand-written or rubber-stamped note. Typically, the Member would not see the transmittal sheets, and, while DOD does not give these immediate attention, nevertheless someone must take time to research and provide an answer.

Tell headquarters, and record what is said. In addition to informing the comptroller/LLO, the Service and developing activity HQ and next level in the chain must be told of congressional inquiries directed to the AM. No one wants to be surprised when it comes to congressional interest, and the mere fact someone in Congress has inquired is intelligence which should be shared. A memorandum for record should be made while the matter is fresh, and any follow-up action by the AM or higher authority so indicated with a tickler.

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CONGRESSIONAL INVESTIGATIONS

Defense is a cheap football to be kicked around.

—Senior Staffer,
Senate Armed Services Committee

A formal congressional investigation is an attempt by Congress to explore a very serious condition emanating from DOD, usually an allegation of poor management, substantial technical problems or of wrong-doing, such as fraud, waste and abuse.

How an Investigation Generates

An investigation of DOD can be triggered by various sources including media reports; charges by a DOD or industry employee, or a private citizen; information uncovered during hearings, inquiries or trips; internal audit reports or reports from DOD; or from information known or suspected by a Member or committee. Of the numerous methods Congress uses to collect information and practice oversight of DOD, the investigation is the most onerous.

A defense committee or subcommittee, and sometimes one Member, usually originate an investigation request. Actual investigations are conducted by the committee or subcommittee staffs (the less serious ones), the GAO or the Surveys and Investigations Staff of the HAC. Other committees, like the House Government Operations Committee, which have some jurisdiction of DOD, or committees with

investigative powers, may originate or conduct investigations. Investigative data are collected from interviews, hearings, briefings, depositions and trips. Witnesses, or interviewees, have more rights than they would in regular committee hearings.

What are the chances of a DOD program being investigated? Prospects rise proportionally to the intensity applied by these program conditions: "bigness," both in dollars and numbers procured; controversy concerning program impact on national security; civility of media relations, not just the AM's, but mostly of DOD and his Service; harmony of contractor relations; disputes regarding contract awards; test and evaluation results; major changes in cost, schedule and performance; and, of course, the political temperature and posturing.

The vigilant AM tries to preclude an investigation through proper attention to management. He responds to congressional requests with accurate, adequate information and cooperates fully with the staffs. He establishes his credibility and integrity. He is sensitive to the committee's motives and objectives and aware of their procedures. He knows his program will falter, perhaps fail, without congressional approval. No matter how he works with these things in mind, his program likely will be investigated in some manner — for whatever reason — either directly or indirectly during his tour.

Investigative Hearings

An investigative hearing is preceded by staff research. If the staff effort indicates no need for Congress to pursue the matter, the investigation may be dropped, or Congress might ask DOD or a Service to pursue it. If Congress pursues it, the DOD or Service conducts its own investigation, providing information to concerned Members to help establish the proper context for their questioning. To avoid an appearance of a "cover up," DOD officials must give accurate explanations (not excuses) and identify what has been done (or is underway) to fix the problem.

The fact an investigation is called is apt to discredit DOD and generate adverse publicity. The position Congress would hold is one of "doing its job to look into this," thus accruing a favorable degree of publicity. The form or substance of an investigative hearing separates it less from a regular hearing than does the inevitable tone or climate of the proceedings.

Hearing witnesses, or those being interviewed or otherwise providing information, are not expected to be public relations specialists. But, they are expected to be forthright. Still, the AM should not panic or become defensive. He should stick to the facts, be candid, and have a positive attitude and approach. Past experiences have shown trauma can be alleviated with a correct mix of facts, attitude and conduct. Detailed preparation, including guidance from public affairs and LLO officials, will help. The AMs can survive investigations if they are sensible, knowledgeable, honest and confident.

GAO Surveys and Reviews

During the past few years GAO surveys and reviews have increased significantly, emphasizing acquisition, personnel and logistics issues, making it possible a major program AM will be investigated. A survey is usually a relatively short-term look into a program to see if a full review is warranted. A review is a comprehensive study of the program, sometimes taking a year or more. The GAO and DOD assume a policy of cooperation so both can proceed with minimum delay and inconvenience. Liaison with GAO resides in the Office of the Inspector General in OSD and the Army, and in the Office of the Comptroller in the Navy and Air Force. Each organization follows well-established procedures.

The GAO conducts surveys and reviews as requested by a Member or committee usually stemming from a controversial aspect of the program, a constituent's complaint, or to support a Member's position (usually recognized as being politically motivated). Or, surveys and reviews may be self-initiated, stemming from a routine or periodic review of a larger and ongoing problem, like a program with

significant or frequent changes, or one with previous troubles. These generally are scheduled ahead and take longer to conduct.

When visited by a GAO audit team, the AM must cooperate and respond fully. Generally, GAO is authorized access to all information (including classified material, but not the program objectives memorandum (POM)) relating to their investigation. Volunteering information beyond the scope of questions should be handled with caution.

The GAO's former image as a group of accountants auditing federal programs to see if numbers matched is past. Today, GAO's many defense specialists, still called auditors, examine "the books," mission requirements, test results, cost patterns and whether statutes and the intent of Congress are being executed properly. Outside technical consultants are hired as required.

Interested in good facts as well as bad, GAO occasionally compliments constructively and helpfully where cases warrant. Auditors often have a good idea of how a program is progressing before officially investigating it. Findings are reported in "real time" as soon as possible back to the survey or review originator, sometimes before the AM learns of them. The team may conduct an exit conference to provide a preliminary look at its findings and recommendations. While not obliged to do so, GAO may have DOD review and comment on the draft report. The Service concerned usually is not advised officially of findings and recommendations of congressionally requested surveys and reviews. However, copies of the reports usually are available.

Ensure GAO receives accurate information. The wise AM names a knowledgeable, personable, adept member of his office as the GAO team point of contact. That person should be continuously available to the team and accompany them to the fullest extent, particularly when they visit contractors. Anyone not well-versed on the program might "misspeak", misinterpret or misdirect. The AM must be involved to correct any misconception or misinformation before it is recorded rather than after.

HAC Surveys and Investigations Staff, and HASC Investigations Subcommittee

The HAC Surveys and Investigations Staff (S&IS, called "S&I") is authorized by law to conduct studies and examinations of the organization and administration of any Executive Branch agency. Consisting of a nucleus of a dozen people, the S&I, also calls on specialists from other agencies and other outsiders. The S&I responds to, and reports only to, the HAC. Their thorough and intensive studies usually take 60-90 days. A fact-finding unit only, S&I draws no conclusions and makes no recommendations. Findings are reported to the committee or subcommittee chairman and can be the basis for a special hearing or, at least, a round of questions in a scheduled hearing. About 70 percent of S&I studies relate to DOD and include subjects other than weapon programs, like medical readiness and drug and alcohol abuse.

The HASC Investigations Subcommittee has authority to investigate any matter within DOD and to propose legislation to address that matter. The subcommittee staff, augmented as necessary by outside consultants, conducts the investigative work. The subcommittee chairman assigns the investigations.

The DOD has established procedures for working with the HAC and HASC investigative units. Both committees expect responsiveness and cooperation to these units, as they do of other staffers and GAO auditors seeking information. Generally, questioning and requests will be matter-of-fact and may appear tough and demanding. Speed in responding is important because their quick surveys do not allow for delays. An investigative unit may change its itinerary on short notice and, subsequently, directly inform a DOD field activity only immediately before being investigated.

The AM must stay on top of all investigations. In certain circumstances, the AM can delegate portions of a GAO investigation. However, the AM is advised to handle the HAC/HASC ones himself.

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CONGRESSIONAL TRIPS

Show me a program that is well managed and I will show you a program Congress has stayed away from.

—Staffer on Appropriations Committee

Congressional trips are fact-finding visits by Members or staffers to DOD field activities within the United States or abroad. These trips utilize government transportation, scheduling, escorts and other conveniences, which DOD coordinates.

Where to, and When

Trips include: to test ranges, laboratories, contractor plants, warehouses, troops in deployed units equipped with the system in question, the PMO and other related facilities.

Visitors traditionally ask to meet top management, for program or facility overviews, tours, hands-on experiences with equipment and demonstrations. More than 75 percent of the trips to which the AM is exposed are staff visits. The purpose of trips simply is for staffers to find out what is happening.

Trips by Members are frequently keyed to congressional recess periods, are constituent- or contractor-related, usually are more general than visits by staff, and may have political overtones. The last may appear to be so if that plant or facility is within the visitor's district, thus allowing the Member an opportunity to meet workers, and perhaps to address them. Arrangements are made by an ILO, who will provide military officers as escorts if the Member feels it is

necessary. The trip host might not be from one's own Service if more than one stop and Service weapon system are on the Member's schedule.

A Member's visit to a plant within his state/district where a weapon system is being built could be at any time he is home and arranged by his personal staff. Members do visit sites on their own, even outside their home districts, without utilizing government conveniences. The AM is just as likely to be included in such arrangements as for a formal trip; if so, the LLO should be notified.

What the AM Should Do

For a pending congressional visit, the AM should operate through his LLO, who will coordinate the event and provide the military-officer escort. The AM should ascertain the level of protocol expected and understand exactly what the visitor wants to accomplish so the presentation can be gauged accordingly. Congressional staffs should be treated as two-star rank unless they request not. (Staff have complained they often have time only for specific questions or things to see but instead are given a lengthy, full "dog and pony show.") Visitors may specify with whom they wish to speak, or those to be excluded. Some Members arrive without staff, only LLO escorts. Some staffers arrive alone and unescorted. The decision is theirs.

The number of persons from HQ and the PMO who are present is negotiated between the AM and LLO. The AM should learn all he can about the visitors, their backgrounds, their intentions and desires, most of which can be supplied by the LLO. If the visitors want to discuss classified information with a contractor, the contractor must contact the AM who must contact the LLO for procedures.

The AM can use congressional trips as an opportunity. Meeting a Member or staffer in a scene away from Washington can be beneficial, providing an informal atmosphere in which to discuss the program. Being candid and an advocate are pluses, but the AM should take care to "make things go

right" and not overstep the boundaries of good judgment with glibness. Nothing will make a Member lose interest faster than someone from the program pinging in his ear and whining for more \$. Remember, congressional visitors are busy and are there for a purpose. It is up to the AM to accommodate that purpose first and foremost.

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CONGRESSIONAL DATA REQUIREMENTS AND REPORTING

Congress is like a large cat. If you stroke it, it will purr. If you cross it, it will claw you.

—Veteran Observer of
Capitol Hill Politics

To supplement the more familiar, established public methods of gathering information, such as hearings, investigations, and trips, etc., Congress requires from DOD a series of recurring reports on development, financial data and contracts. Approximately 1,000 reports are required from DOD by Congress annually. These include: (1) reports submitted with and in support of the President's budget, called budget backup or budget justification material; and (2) other similar acquisition reporting information required periodically throughout the year.

Budget Justification Material and Other Reporting Information

The budget justification material and other reporting information serve both the congressional legislative and oversight functions.

Budget justification material consists of narrative statements and data in tabular form derived from: internal DOD budget documents and is contained in these reports:

- Research and Development Descriptive Summaries
- Congressional Data Sheets
- Selected Acquisition Reports

- Procurement Programs.

Other acquisition reporting information required periodically includes:

- Unit Cost Reporting
- Contract Award Report
- Studies and analyses.

Information given to Congress must be timely, accurate, current and consistent. There is no substitute for the AM's diligence, persistence and pursuit in developing the right data and ensuring incorporation in the documents pertaining to his program going to Congress. Not only may it keep his program out of trouble, it just makes good business sense.

BUDGET JUSTIFICATION MATERIAL

Along with data the S/DAs offer to support budget requests, other budget justification material is forwarded to the authorization and appropriations committees well in advance of budget hearings. Staffs review the documents to clarify issues with DOD, and advise of areas of interest to the committees. Staffs may request briefings on significant program areas.

Research and Development Descriptive Summaries (RDDS)

The RDDS, which represent the RDT&E budget requests, are probably the single most important document submitted as budget backup material. They must provide a strong, credible and detailed justification for each item in the RDT&E account, and the agreed-upon DOD or S/DA position. The summaries must fully describe the scope and anticipated results of each program — why needed, its role in Service mission, current capability shortfalls it will satisfy, accomplishments to date, and what will be done with funds. They must be in simple and concise terms understandable to relatively non-technical persons.

HOW TO ORDER THE:

Congressional Record

The public proceedings of each House of Congress are printed and published for each day that one or both Houses are in session in the Congressional Record. It will be furnished by mail to subscribers, free of postage, for \$225.00 per year or \$1.50 per copy, payable in advance. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and is sold by the Superintendent of Documents in individual parts or by sets. If a large dot is printed before a member's name, it means the subsequent statement was written and inserted and not spoken on the floor. Phone: 202-225-3300.

General Accounting Office Records

The Congressional investigation arm is the General Accounting Office (GAO). There are many unclassified reports, resulting from GAO investigations, that are available to the public. For information about available reports, contact P.O. Box 6015, Gaithersburg, Maryland 20760, or telephone (202) 275-6241.

Federal Register

The Federal Register, published daily, includes Federal agency regulations and proposed regulations and changes and other legal documents of the executive branch. It will be furnished by mail to subscribers, free of postage, for \$340.00 per year, payable in advance. The charge for individual copies is \$1.00 per each issue, or \$1.00 for each group of pages actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The RDDS are used as a key source of program description and rationale, as a general reference on the DOD RDT&E program and may result in hearings questions or inquiries. For some programs, the RDDS may be the only budget explanation seen by committee Members and staffs.

Content and format of the RDDS are standardized by the DOD Budget Guidance Manual. Each S/DA has its procedures for preparation and review. Army and Air Force program action officers (Department of Army acquisition staff officer and program element monitor/manager, respectively) in HQ prepare it. In most cases the Navy has the PM prepare it.

Compare yearly funding profiles. The committees give particular attention to the RDDS "Comparison" paragraph which compares the previous year's funding profile with the current one. It explains changes since last budget submission. In the past, some committee marks have been based on this information. Extra attention must be given to the preparation of this paragraph and its accuracy and lucidity.

Congressional Data Sheets (CDS)

The CDS are submitted with the procurement budget request. Staffs use the CDS as a major reference source for procurement program review. Documents are prepared for each aircraft, missile, ship and weapon line item requiring authorization for which a quantity or advance procurement is shown in the Procurement Program; i.e., a complete and current description and justification of each significant procurement program in the budget.

The CDS include: (1) narrative description, mission, cost data and basis for request; (2) characteristics and contract data indicating contractor and award data; (3) cost history comparison by appropriation; (4) inventory assets and future production deliveries; (5) T&E data, and (6) flight simulator data, where appropriate. The CDS are prepared in the comptroller offices.

Because it is impossible to discuss every DOD program during budget hearings, many budget decisions are made outside the public arena by committee deliberations. Therefore, the RDDS for RDT&E and the CDS for procurement, as justification for these programs, are very important.

Realize the impact of T&E data. The DOD and the defense committees have recently made T&E key elements in assessing program progress, especially in transitioning to production. The PM should be able to articulate his test program results, bearing on development, costs, risks, and schedule — in short, everything associated with T&E.

Selected Acquisition Reports (SARs)

The SARs provide a summary of key cost, schedule and technical information on selected DOD acquisition programs meeting these criteria:

- All programs designated by SECDEF as major systems under DODD 5000.1 and DODI 5000.2, meeting the qualifications because of congressional interest, development risk, joint Service funding, urgency, etc.

- Those others estimated to require eventual expenditures of more than \$200 million in RDT&E and \$1 billion in procurement (all FY 80 \$)

- Excluded are programs identified by SECDEF to be "highly sensitive classified."

The SARs are submitted annually as of December 31 for all reporting DOD acquisition programs and must reflect the President's budget and supporting documentation (i.e., RDDS, CDS and Future Years Defense Program (FYDP)). Quarterly submissions are required when: (1) there has been a five percent or greater change in total program costs (then-year \$), (2) there has been a 6-month or greater delay in

the current estimate of any schedule milestone shown in the previous SAR, or (3) any corrections to variance calculations and adjustments have been approved by the DOD Comptroller. The PMs prepare the SAR in accordance with DOD 5000.2M, Part 17.

By comparing current estimates of total program acquisition costs, schedule and technical data with established baselines, the report provides consistent, reliable information on program status. Obviously, accuracy and consistency are paramount in the SAR preparation. Even if the PM does not participate directly in responding to SAR queries, he may be the originator of much of the basic information.

Understand cost and schedule reporting. While most major programs submit the SAR, all PMs should understand the contents and procedures. Many staffers use the SAR format for discussing programs with DOD and expect PMs to be able to converse in SAR language. The anticipative PM will keep current his cost and schedule data and program planning and control information, and be prepared on short notice to talk with the staffs.

Defense Acquisition Executive Summary (DAES)

The DAES, an internal DOD report only, was created to alert senior officials of potentially significant SAR program problems. (Reference: DOD 5000.2M, Part 16). Though not provided to Congress, the DAES is mentioned here because of its connection with the SARs. The DAES is a formatted document closely integrating the SAR and Unit Costs Reporting and is submitted quarterly on a rolling basis by all programs designated for SAR reporting.

Procurement Programs (P-1)

The P-1 document is derived from, and consistent with, the FYDP Procurement Annex data base. It contains identification codes and a detailed description of all line items to be procured in the budget by DOD. It is submitted to the defense oversight committees with the

President's budget, and is prepared by the Comptroller.

OTHER ACQUISITION INFORMATION REPORTS

Unit Cost Reporting

The Unit Cost Reporting system is implemented within DOD by the comptroller offices. Documents are prepared by the PM and remain internal. (Reference: DOD 5000.2M, Part 18.)

Unit cost reports are sent quarterly to the Service Secretaries. They show the relationship of the program's unit costs and other data with that shown for the program's baseline SAR, providing management with a periodic status of unit costs and indications of possible increases. The reports are submitted routinely each quarter or whenever the PM has reason to believe the program acquisition unit cost (PAUC), or the current procurement unit cost (CPUC), will increase 15 percent more than the baseline SAR estimate, or if the cost of a major contract has increased by more than 15 percent. If the Service Secretary determines there is a breach, he must notify Congress in writing within 30 days of the determination date.

For a 25 percent threshold breach, SECDEF must certify to Congress within 60 days of the original determination date that the program is essential to national security; there are no alternatives to provide equal or greater military capability at less cost; and the management structure is adequate to manage and control unit costs.

Contract Award Report (CAR)

Before awarding a contract or exercising an option in a contract for any weapon system, SECDEF is required to notify Congress via the CAR (not less than 30 days or more than 90 prior). The CDS serves as the initial or annual CAR. The CAR, which supplements the CDS, is submitted at least at regular 60-day intervals. Committees use CARs as an updated source of information on system development and procurement and, interestingly, T&E. The PM prepares the CAR.

The Congress must be notified — for two reasons. First, the PM must recognize that a contract may not be awarded unless it has been included on the CAR. Second, a Member with constituent interests

(contract going to firm in his district) must be notified at least 48 hours in advance of an award. Frequently, the Member will choose to make the public news release rather than DOD, or both will do it.

Studies and Analyses

The DOD frequently is requested or directed to perform studies and analyses by a committee chairman or Member, or through the language of a committee report or legislation. The subject may be a specific program aspect, a policy, or of a general nature. This method of acquiring information from DOD escalated from 36 studies and analyses in 1970 to 485 in 1985. The PM and his data bank may be part of the process.

The OSD compiles an annual list of all directed reports after receiving final committee reports and passage of the authorization and appropriations acts. Each Service (usually through the comptroller office) assigns accountability and tracks progress until submission. Assignments must be conducted as quickly as possible depending upon the deadline, and meet the same requirements for accuracy, consistency, etc., as is any information provided Congress. Some studies and analyses originated within DOD, perhaps directed by SECDEF or a Service Secretary as a product of earlier congressional interest, and may become known to Congress with a copy provided.

Stay on top of studies and analyses. These reports are becoming an increasing source of additional, in-depth program information for Congress, even as conditions of budget execution or program conduct. The PM of a program being studied must track its progress regardless of who has responsibility, for one thing ensuring accuracy of information it is generating, and that it is traceable to other data submitted. The PM cannot assume the study team has his degree of concern about the program.

A CLOSING NOTE

Beware of the gadflies who wish to provide services on the Hill. The AM should use the very best judgment regarding information to share with them or with old friends. Some

may have worked in DOD as AMs, LLO representatives or in other acquisition functions. Now, they are in the private sector making livings as consultants or lobbyists. As such they would also service the Hill, sometimes working one side of the river against the other. The gadflies treat you as though you're their best friend and will as long as you feed them. But, they can stir up a hornet's nest.

—Seasoned Veteran of
DOD Legislative Liaison

APPENDIX A

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APPENDIX B

INTERVIEWEES AND OTHER PERSONAL SOURCES

The Congress

Mr. Chris Alredge, House Armed Services Committee
Mr. Carter Baird, House Appropriations Committee
Mr. Arch Barrett, House Armed Services Committee
Mr. Anthony R. Battista, House Armed Services Committee
Ron Boster, Ph.D., Office of Representative Willis Gradison
(R-OH)
Mr. Tom Carter, Office of Senator Bob Dole (R-KS)
Representative Bill Chappell (D-FL)
Mr. Jim Curry, Senate Select Committee on Intelligence
Mr. Robin Deck, House Appropriations Committee
Mr. Jon Etherton, Senate Armed Services Committee
Mr. David J. Gribben, House Republican Policy Committee
Mr. Robert Hale, Congressional Budget Office
Mr. John J. Hamre, Senate Armed Services Committee
Mr. John Haybush, Office of Representative Denny Smith
(R-OR)
Representative Dennis Hertel (D-MI)
Mr. William Hogan, House Armed Services Committee
William Hunter, Ph.D., Office of Senator Dan Quayle (R-IN)
Representative John R. Kasich (R-OH)
Mr. Richard Kogan, House Budget Committee
Mr. Richard B. Ladd, Senate Appropriations Committee
Thomas K. Latimer, Ph.D., House Permanent Select
Intelligence Committee
Senator Carl Levin (D-MI)
Mr. Paul Maggliccetti, House Appropriations Committee
Ms. Alice Maroni, Congressional Research Service
Dr. Nick Masters, House Budget Committee
Representative Nicholas Mavroules (D-MA)
Representative Leon Panetta (D-CA)
Ms. Colleen Preston, House Armed Services Committee
Mr. Al Ptak, Office of Senator Phil Gramm (R-TX)

Mr. Gordon Riggle, Senate Armed Services Committee
Mr. Robert Schafer, House Armed Services Committee
Ms. Judy Schneider, Congressional Research Service
Mr. Wayne Schroeder, Senate Appropriations Committee
Mr. Carl Smith, Senate Armed Services Committee
Representative G. William Whitehurst (R-VA)
Mr. David Wilson, House Appropriations Committee
Senator Timothy Wirth (D-CO)
Mr. Andrew Wright, Office of Representative Frederick Boucher
(D-VA)
Mr. Allen Yuspeh, Senate Armed Services Committee

The Private Sector

Ross Baker, Ph.D., Rutgers University
Ms. Barbara Chow, Price Waterhouse
Former Senator Dick Clark (D-IA)
Mr. Tom Culligan, McDonnell Douglas Astronautics
Former Representative Tom Kindness (R-OH)
James I. Lengle, Ph.D., Georgetown University
Mr. Mark Talisman, Kennedy School of Government, Harvard
University
Mr. Pat Towell, *Congressional Quarterly*
Mr. Mike Viilo, Kaman Aerospace Corporation
Former Representative Charles Whalen (R-OH)

Office of the Secretary of Defense

LTC Douglas Bell, USA, Office of the Assistant Secretary of
Defense (Legislative Affairs)
LtCol Edwynn L. Burckle, USAF, Office of the Assistant
Secretary of Defense (Legislative Affairs)
Mr. Grady Lose, Office of the Department of Defense
Comptroller
COL John Richardson, JAGC, USA, Office of the Assistant
Secretary of Defense (Legislative Affairs)
LTC Anthony E. Taylor, USA, Office of the Assistant Secretary of
Defense (Comptroller)
LTC Warren Taylor, USA, Office of the Assistant Secretary of
Defense (Legislative Affairs)

Department of the Army

COL Michael J. Brokovich, USA, Office of the Comptroller
Mr. Russell S. Eggleton, Office of the Inspector General
MG Richard D. Kenyon, USA, Chief of Legislative Liaison
Mr. A. Richard Lemy, Office of the Comptroller
Mrs. Maria R. Murphy, Office of the Comptroller
MAJ Timothy E. Nullarato, USA, Office of Legislative Liaison
Ms. Shawn Weinhold, Office of the Comptroller
MAJ Ryan Zimmerman, USA, Office of the Deputy Chief of
Staff for RD&A

Department of the Navy

CAPT Bill Cohen, JAGC, USN, Office of Legislative Affairs
Mr. C. S. Dalrymple, Office of the Comptroller
Mr. Bryan K. Davis, Office of the Comptroller
CDR David Edwards, USN, Office of Legislative Affairs
CAPT John Fedor, USN, Deputy Chief of Legislative Affairs
CDR W. J. Kane, USN, Office of Legislative Affairs
CDR Braden Phillips, SC, USN, Office of the Comptroller
Mr. G. Richard Reed, Office of the Comptroller
CAPT Glen Ritchey, USN, Office of the Comptroller
Lt.Col. J. R. Ryan, USMC, Office of Legislative Affairs

Department of the Air Force

COL Richard Collier, USAF, Office of the Comptroller
Ms. Helen Covington, Office of Deputy Chief of Staff,
Research, Development and Acquisition (RDA)
Mr. Zack E. Gaddy, Air Force Audit Agency
Mr. Bruce P. Hedrick, Office of the Comptroller
Lt.Col. Richard P. Metzger, USAF, Office of the Comptroller
Lt.Col. D. F. McNierney, USAF, Office of the Deputy Chief of
Staff, RDA
Maj Charles O'Connor, USAF, Office of Legislative Liaison
Col Joseph W. O'Neill, USAF, Associate Director of
Legislative Liaison
Col Timothy Titus, USAF, Office of Legislative Liaison
Ms. Lois J. Witteurangle, Office of the Comptroller

Department of State

Mark M. Lowenthal, Ph.D., Office of Strategic Forces Analysis,
Bureau of Intelligence and Research (and later with
Congressional Research Service)

U.S. Office of Personnel Management

Phillip Chartrand, Ph.D., Government Executive Institute
James M. Hershman, Ph.D., Government Executive Institute
Janice Churchill Sadeghian, Ph.D., Government Executive
Institute

APPENDIX C

PARTIAL BIBLIOGRAPHY OF GOVERNMENT DIRECTIVES ON CONGRESSIONAL RELATIONS

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Circular	Title	Date
OMB Circular A-II	Instructions for the Preparation and Submission of the Annual Budget Estimate	6-17-88

DEPARTMENT OF DEFENSE (DOD)

OSD DIR/ INST	Title	Date
5142.1	Assistant Secretary of Defense (Legislative Affairs)	7-2-82
5400.4	Provision of Information to the Congress	1-30-78
5400.7	DOD Freedom of Information Act (FOIA)	5-13-88
5400.10	OSD Implementation of DOD FOIA Program	1-24-91
5500.16	Relationship with the Surveys and Investigative Staff, HAC	12-8-76
7000.3	Selected Acquisition Reports	6-22-87
7110.1	DOD Budget Guidance	
7110-1-M	DOD Budget Guidance Manual (CH-2)	7-85
7200.1	Administrative Control of Appropriations	5-7-84

7650.1	GAO Access to Records	8-26-82
7650.2	GAO Audits and Reports	7-19-85
7650.3	Follow-Up on GAO, DOD IG, Internal Audits, etc.	9-5-89

Office of the Assistant Secretary of Defense (Legislative Affairs)
Telephone: (202) 69-72365/79369/74491/49115

DEPARTMENT OF THE ARMY (DA)

Directive	Title	Date
DACS- DMC	SOP Responsibilities in Connection with Army Appearances before Committees of Congress	11-1-82
AR 1-20	Legislative Liaison	8-13-90
AR 36-2	Audit Reports and Follow-up	4-26-91
AR 37-200	Selected Acquisition Information and Management Systems	
RAD	Reprogramming Action Directive	3-1-79

DA Office of the Chief of Legislative Liaison
Telephone: (202) 697-2106/54854/78381

DEPARTMENT OF THE NAVY (DON)

Directive/ Series	Title	Date
SECNAV 5730.5G	Procedures for Handling of Naval Legislative Affairs, etc.	8-24-81
SECNAV 5430.26D	Mission, Functions and Responsibilities of OLA	5-25-82
SECNAV 5700.90	Congressional Notification and Public Announcement Procedures, etc.	6-25-82

SECNAV 5730.11B	Support of DON Requests to Congress for Authorization for Appropriations for Procurement, etc.	2-5-70
SECNAV 5740.24B	Relations with the Surveys and Investigative Staff, HAC	5-10-90
SECNAV 5740.26	Relations with GAO	3-24-86
SECNAV 7700.5E	Selected Acquisition Reports	1-11-84
OPNAV 5730.4D	Procedures for Handling Congressional Matters	5-25-82
NAVCOMPT 7102.2A	NAVCOMPT Budget Guidance Manual	5-24-84
NAVCOMPT 7121.3D	Information on Witnesses - DOD Annual Budget Hearings, etc.	10-6-67

DON Office of Legislative Affairs
Telephone: (202) 697-3212/55276/55277

DEPARTMENT OF THE AIR FORCE (DAF)

Directive	Title	Date
AFR 11-8 AFR 110-5	Air Force Regulations with GAO Releasing Information in Litigation, Testimony by Current or Former Air Force Personnel as Witnesses, etc.	11-29-86 3-89
AFR 172-1 Vol 2 Sup 1	Estimating Instructions	3-30-88

AFR 172-1 Vol 1 Sup 4	Research, Development, Test and Evaluation (RDT&E) Appropriation	7-28-87
AFR 172-1 Vol 1 Sup 5	Operation and Maintenance, AF, Appropriation	7-28-87
AFP 172-4	The Air Force Budget Process	10-87
AFR 178-11 Sup 1	Management of Statistical Information for Dissemination Outside the DAF	3-31-80
AFR 800-1	Air Force Acquisition System	2-90
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DAF Office of Legislative Liaison
Telephone: (202) 697-3783/77950/75322

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Professor Wilbur D. Jones, Jr., the Defense Systems Management College (DSMC) archivist and historian, was the senior editor and writer for the *First Edition* of this Guide, and authored the *Second Edition*.

Mr. Jones has "survived" 23 years in Washington, DC. In his former political life he served as a Republican Party organizer in Los Angeles, California, assistant to two California Republican congressmen, assistant to two Secretaries of Housing and Urban Development, director of public affairs for the United States Chamber of Commerce, director of President Nixon's reelection campaign in New Hampshire, and staff assistant and advance representative to President Ford. He was a Naval officer for 28 years, including 14 on active duty, and retired from the Naval Reserve in 1984 as a captain.

A member of the DSMC faculty since 1984, Mr. Jones has taught nearly 1,000 hours on approximately 50 lessons on acquisition policy, program management, writing for senior management, and congressional relations. A frequent guest speaker to defense-oriented organizations and conferences, he has written and edited numerous books and other publications on defense acquisition. He served on separate special assignments as assistant and speechwriter to two Under Secretaries of Defense (Acquisition). He has maintained his interest in defense congressional relations through continuing study of and frequent visits to Capitol Hill.